

AMENDED IN ASSEMBLY AUGUST 7, 2013

AMENDED IN ASSEMBLY JULY 1, 2013

AMENDED IN ASSEMBLY JUNE 19, 2013

**SENATE BILL**

**No. 483**

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**Introduced by Senator Jackson**

February 21, 2013

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~~An act to amend Sections 13143.9 and 25214.14 of, and to repeal and add Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of, the Health and Safety Code, relating to hazardous materials. An act to amend Sections 13143.9, 25214.14, 25532, 25535.2, 25536, 25536.5, and 25540 of, and to repeal and add Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of, the Health and Safety Code, relating to hazardous materials.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 483, as amended, Jackson. ~~Hazardous materials: business and area plans: packaging.~~ *Hazardous materials: business and area plans and packaging.*

*(1) Existing law requires the Secretary for Environmental Protection to adopt regulations and implement a unified hazardous waste and hazardous materials management regulatory program. Existing law establishes the respective responsibilities of unified program agencies, designated to implement that unified program locally, and requires the secretary to establish a statewide information management system for purposes of receiving data collected by unified program agencies.*

*Existing law establishes the responsibility of a local administering agency authorized to implement and enforce provisions that require (a) the administering agency to establish area plans for emergency*

*response to a release or threatened release of a hazardous material and (b) a business that handles a hazardous material to establish and implement a business plan for such a response. Existing law authorizes a unified program agency to implement and enforce these provisions as an administering agency, as specified.*

*Existing law specifies the contents of the business plan required of the hazardous materials handler and requires the plan to be submitted to the administering agency. Existing law requires the administering agency to submit to the Office of Emergency Services, the area plan, a plan to conduct onsite inspection, and a plan to institute a data management system. A violation of the business plan requirements is a misdemeanor.*

*This bill would revise and recast the area and business plan requirements and, among other things, would require instead that a unified program agency enforce these requirements. The bill would instead require the inspection program that is part of the unified program to include the onsite inspections of businesses and would delete the requirement to institute a data management system. The bill would require the unified program agency to provide to agencies that have certain shared responsibilities access to information collected in the statewide information management system and would require handlers to submit certain information to that system, as specified. The bill would require a business owner, operator, or officially designated representative to annually review and certify that the information in the statewide information database has been verified and is complete, accurate, and up to date.*

*This bill would also delete obsolete provisions and make general conforming changes.*

*This bill would impose a state-mandated local program by creating new crimes with regard to the submission of business plans and by imposing new duties upon local agencies with regard to implementing those requirements.*

*(2) Existing law imposes certain requirements on stationary sources handling regulated substances, as defined, including, among other things, the preparation and implementation of a risk management plan. A violation of these requirements is a misdemeanor. Existing law requires the administering agency, upon a determination that a risk management plan is complete, to publish in a daily local newspaper a notice of availability of the risk management plan for public review.*

*This bill would additionally impose those requirements on a person, as defined. Because this bill would expand the scope of a crime to include a person, this bill would impose a state-mandated local program. The bill would authorize the administering agency to place the notice on the administering agency's Internet Web site in lieu of publication in a daily local newspaper.*

*(3) Existing law prohibits a person from offering for sale or for promotional purposes in this state a package, packaging component, or product in a package if the sum of the incidental total concentration levels of regulated metals exceeds a specified level in the package or packaging component. Until January 1, 2010, existing law exempted from that prohibition a package or packaging component if a manufacturer or supplier complied with certain documentation requirements and the package or packaging component contained no intentionally introduced regulated metals, but exceeded the applicable maximum concentration level set only because of the addition of a recycled material.*

*This bill would reenact and extend that exemption to January 1, 2015.*

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for specified reasons.*

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Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 13143.9 of the Health and Safety Code  
2     is amended to read:

3     13143.9. (a) The State Fire Marshal shall, in carrying out  
4     Section 13143, prepare, adopt, and submit building standards and  
5     other fire and life safety regulations for approval pursuant to  
6     Chapter 4 (commencing with Section 18935) of Part 2.5 of Division  
7     13 establishing minimum requirements for the storage, handling,  
8     and use of hazardous materials, as defined, in ~~Article 9 of the 1988~~  
9     ~~Uniform California Fire Code, and any subsequent editions,~~  
10    ~~published by the Western Fire Chiefs Association and the~~  
11    ~~International Conference of Building Officials. Code.~~ The State  
12    Fire Marshal shall seek the advice of the ~~California Office of~~  
13    ~~Emergency Management Agency Services~~ in establishing these  
14    requirements. This section does not prohibit a city, county, or  
15    district from adopting an ordinance, resolution, or regulation  
16    imposing stricter or more stringent requirements than a standard  
17    adopted pursuant to this section.

18    (b) A business ~~which~~ *that* files the annual inventory form in  
19    compliance with Chapter 6.95 (commencing with Section 25500)  
20    of Division 20, including the addendum adopted pursuant to  
21    ~~paragraph (4) of subdivision (e) of Section 25503.9, 25504,~~ shall  
22    be deemed to have met the requirements of ~~subdivision (e) of~~  
23    ~~Section 80.103 of the Uniform Fire Code, the California Fire Code~~  
24    ~~regarding hazardous materials inventory statements,~~ as adopted  
25    by the State Fire Marshal pursuant to this section.

26    (c) A business ~~which~~ *that* is not required to file a hazardous  
27    materials inventory form pursuant to Section ~~25509~~ 25506 but  
28    ~~which~~ *that* is required by the local fire chief to comply with  
29    ~~subdivision (e) of Section 80.103 of the Uniform Fire Code, the~~  
30    ~~California Fire Code regarding hazardous materials inventory~~  
31    ~~statements,~~ as adopted by the State Fire Marshal pursuant to this  
32    section, shall, notwithstanding Chapter 6.95 (commencing with  
33    Section 25500) of Division 20, file the inventory form adopted  
34    pursuant to Section ~~25503.3~~ 25506 and the addendum adopted  
35    pursuant to ~~paragraph (4) of subdivision (e) of Section 25503.9~~

1 25504 with the local fire chief for purposes of complying with this  
2 requirement, if determined to be necessary by the fire chief.

3 *SEC. 2. Section 25214.14 of the Health and Safety Code is*  
4 *amended to read:*

5 25214.14. A package or a packaging component is exempt  
6 from the requirements of Section 25214.13, and shall be deemed  
7 in compliance with this article, if the manufacturer or supplier  
8 complies with the applicable documentation requirements specified  
9 in Section 25214.15 and the package or packaging component  
10 meets any of the following conditions:

11 (a) The package or packaging component is marked with a code  
12 indicating a date of manufacture prior to January 1, 2006.

13 (b) A regulated metal has been added to the package or  
14 packaging component in the manufacturing, forming, printing, or  
15 distribution process, to comply with the health or safety  
16 requirements of a federal or state law.

17 (c) (1) The package or packaging component contains no  
18 intentionally introduced regulated metals, but exceeds the  
19 applicable maximum concentration level set forth in subdivision  
20 (c) of Section 25214.13 only because of the addition of a recycled  
21 material.

22 (2) This subdivision, and all exemptions provided pursuant to  
23 it, expire on January 1, ~~2010~~ 2015.

24 (d) (1) A regulated metal has been added to the package or  
25 packaging component in the manufacturing, forming, printing, or  
26 distribution process for a use for which there is no feasible  
27 alternative.

28 (2) For purposes of this subdivision, “a use for which there is  
29 no feasible alternative” means a use, other than for purposes of  
30 marketing, for which a regulated metal is essential to the protection,  
31 safe handling, or function, of the package’s contents, and technical  
32 constraints preclude the substitution of other materials.

33 (e) (1) The package or packaging component is reused and  
34 contains no intentionally introduced regulated metals, but exceeds  
35 the applicable maximum concentration level set forth in subdivision  
36 (c) of Section 25214.13, and all of the following apply:

37 (A) The product being conveyed by the package, ~~the package,~~  
38 *package itself*, or *the* packaging component is otherwise regulated  
39 under a federal or state health or safety requirement.

1 (B) The transportation of the packaged product is regulated  
2 under federal or state transportation requirements.

3 (C) The disposal of the package is otherwise performed  
4 according to the requirements of this chapter or Chapter 8  
5 (commencing with Section 114960) of Part 9 of Division 104.

6 (2) This subdivision, and all exemptions provided pursuant to  
7 it, expire on January 1, 2010.

8 (f) (1) The package or packaging component has a controlled  
9 distribution and reuse and contains no intentionally introduced  
10 regulated metals, but exceeds the applicable maximum  
11 concentration level set forth in subdivision (c) of Section 25214.13.

12 (2) This subdivision, and all exemptions provided pursuant to  
13 it, expire on January 1, 2010.

14 (g) (1) The packaging or packaging component is a glass or  
15 ceramic package or packaging component that has a vitrified label,  
16 and that, when tested in accordance with the Waste Extraction  
17 Test, described in Appendix II of Chapter 11 (commencing with  
18 Section 66261.1) of Division 4.5 of Title 22 of the California Code  
19 of Regulations does not exceed 1.0 ppm for cadmium, 5.0 ppm  
20 for hexavalent chromium, or 5.0 ppm for lead. A glass or ceramic  
21 package or packaging component containing mercury is not  
22 exempted pursuant to this subdivision.

23 (2) A glass bottle package with paint or applied ceramic  
24 decoration on the bottle does not qualify for an exemption pursuant  
25 to this section, if the paint or applied ceramic decoration contains  
26 lead or lead compounds in excess of 0.06 percent by weight.

27 (3) This subdivision, and all exemptions provided pursuant to  
28 it, expire on January 1, 2010.

29 *SEC. 3. Article 1 (commencing with Section 25500) of Chapter*  
30 *6.95 of Division 20 of the Health and Safety Code is repealed.*

31 *SEC. 4. Article 1 (commencing with Section 25500) is added*  
32 *to Chapter 6.95 of Division 20 of the Health and Safety Code, to*  
33 *read:*

34  
35 *Article 1. Business and Area Plans*  
36

37 25500. (a) *The Legislature declares that, in order to protect*  
38 *the public health and safety and the environment, it is necessary*  
39 *to establish business and area plans relating to the handling and*  
40 *release or threatened release of hazardous materials. The*

1 establishment of a statewide environmental reporting system for  
2 these plans is a statewide requirement. Basic information on the  
3 location, type, quantity, and health risks of hazardous materials  
4 handled, used, stored, or disposed of in the state, which could be  
5 accidentally released into the environment, is required to be  
6 submitted to firefighters, health officials, planners, public safety  
7 officers, health care providers, regulatory agencies, and other  
8 interested persons. The information provided by business and area  
9 plans is necessary in order to prevent or mitigate the damage to  
10 the health and safety of persons and the environment from the  
11 release or threatened release of hazardous materials into the  
12 workplace and environment.

13 (b) The Legislature further finds and declares that this article  
14 and Article 2 (commencing with Section 25531) do not occupy the  
15 whole area of regulating the inventorying of hazardous materials  
16 and the preparation of hazardous materials response plans by  
17 businesses, and the Legislature does not intend to preempt any  
18 local actions, ordinances, or regulations that impose additional  
19 or more stringent requirements on businesses that handle  
20 hazardous materials. Thus, in enacting this article and Article 2  
21 (commencing with Section 25531), it is not the intent of the  
22 Legislature to preempt or otherwise nullify any other statute or  
23 local ordinance containing the same or greater standards and  
24 protections.

25 25501. Unless the context indicates otherwise, the following  
26 definitions govern the construction of this article:

27 (a) “Agricultural handler” means a business operating a farm  
28 that is subject to the exemption specified in Section 25507.1.

29 (b) “Area plan” means a plan established pursuant to Section  
30 25503 by a unified program agency for emergency response to a  
31 release or threatened release of a hazardous material within a city  
32 or county.

33 (c) “Business” means all of the following:

34 (1) An employer, self-employed individual, trust, firm, joint  
35 stock company, corporation, partnership, or association.

36 (2) A business organized for profit and a nonprofit business.

37 (3) The federal government, to the extent authorized by law.

38 (4) An agency, department, office, board, commission, or bureau  
39 of state government, including, but not limited to, the campuses



1 of the California Community Colleges, the California State  
2 University, and the University of California.

3 (5) An agency, department, office, board, commission, or bureau  
4 of a city, county, or district.

5 (d) “Business plan” means a separate plan for each facility,  
6 site, or branch of a business that meets the requirements of Section  
7 25505.

8 (e) (1) “Certified Unified Program Agency” or “CUPA” means  
9 the agency certified by the secretary to implement the unified  
10 program specified in Chapter 6.11 (commencing with Section  
11 25404) within a jurisdiction.

12 (2) “Participating Agency” or “PA” means an agency that has  
13 a written agreement with the CUPA pursuant to subdivision (d)  
14 of Section 25404.3, and is approved by the secretary, to implement  
15 or enforce one or more of the unified program elements specified  
16 in paragraphs (4) and (5) of subdivision (c) of Section 25404, in  
17 accordance with Sections 25404.1 and 25404.2.

18 (3) “Unified program agency” or “UPA” means the CUPA, or  
19 its participating agencies to the extent each PA has been designated  
20 by the CUPA, pursuant to a written agreement, to implement or  
21 enforce a particular unified program element specified in  
22 paragraphs (4) and (5) of subdivision (c) of Section 25404. For  
23 purposes of this article and Article 2 (commencing with Section  
24 25531), the UPAs have the responsibility and authority, to the  
25 extent provided by this article and Article 2 (commencing with  
26 Section 25531) and Sections 25404.1 and 25404.2, to implement  
27 and enforce only those requirements of this article and Article 2  
28 (commencing with Section 25531) listed in paragraphs (4) and (5)  
29 of subdivision (c) of Section 25404.

30 (4) The UPAs also have the responsibility and authority, to the  
31 extent provided by this article and Article 2 (commencing with  
32 Section 25531) and Sections 25404.1 and 25404.2, to implement  
33 and enforce the regulations adopted to implement the requirements  
34 of this article and Article 2 (commencing with Section 25531)  
35 listed in paragraphs (4) and (5) of subdivision (c) of Section 25404.  
36 After a CUPA has been certified by the secretary, the unified  
37 program agencies shall be the only local agencies authorized to  
38 enforce the requirements of this article and Article 2 (commencing  
39 with Section 25531) listed in paragraphs (4) and (5) of subdivision  
40 (c) of Section 25404 within the jurisdiction of the CUPA.

1     (f) “City” includes any city and county.

2     (g) “Chemical name” means the scientific designation of a  
3     substance in accordance with the nomenclature system developed  
4     by the International Union of Pure and Applied Chemistry or the  
5     system developed by the Chemical Abstracts Service.

6     (h) “Common name” means any designation or identification,  
7     such as a code name, code number, trade name, or brand name,  
8     used to identify a substance by other than its chemical name.

9     (i) “Compressed gas” means a material, or mixture of materials,  
10    that meets either of the following:

11    (1) The definition of compressed gas or cryogenic fluid found  
12    in the California Fire Code.

13    (2) Compressed gas that is regulated pursuant to Part 1  
14    (commencing with Section 6300) of Division 5 of the Labor Code.

15    (j) “Emergency rescue personnel” means a public employee,  
16    including, but not limited to, a firefighter or emergency rescue  
17    personnel, as defined in Section 245.1 of the Penal Code, or  
18    personnel of a local emergency medical services (EMS) agency,  
19    as designated pursuant to Section 1797.200, or a poison control  
20    center, as defined by Section 1797.97, who responds to any  
21    condition caused, in whole or in part, by a hazardous material  
22    that jeopardizes, or could jeopardize, public health or safety or  
23    the environment.

24    (k) “Handle” means all of the following:

25    (1) (A) To use, generate, process, produce, package, treat,  
26    store, emit, discharge, or dispose of a hazardous material in any  
27    fashion.

28    (B) For purposes of subparagraph (A), “store” does not include  
29    the storage of hazardous materials incidental to transportation,  
30    as defined in Title 49 of the Code of Federal Regulations, with  
31    regard to the inventory requirements of Section 25506.

32    (2) (A) The use or potential for use of a quantity of hazardous  
33    material by the connection of a marine vessel, tank vehicle, tank  
34    car, or container to a system or process for any purpose.

35    (B) For purposes of subparagraph (A), the use or potential use  
36    does not include the immediate transfer to or from an approved  
37    atmospheric tank or approved portable tank that is regulated as  
38    loading or unloading incidental to transportation by Title 49 of  
39    the Code of Federal Regulations.

1 (l) “Handler” means a business that handles a hazardous  
2 material.

3 (m) “Hazardous material” means a material that, because of  
4 its quantity, concentration, or physical or chemical characteristics,  
5 poses a significant present or potential hazard to human health  
6 and safety or to the environment if released into the workplace or  
7 the environment. “Hazardous materials” include, but are not  
8 limited to, hazardous substances, hazardous waste, and any  
9 material that a handler or the unified program agency has a  
10 reasonable basis for believing that it would be injurious to the  
11 health and safety of persons or harmful to the environment if  
12 released into the workplace or the environment.

13 (n) “Hazardous substance” means any substance or chemical  
14 product for which one of the following applies:

15 (1) The manufacturer or producer is required to prepare a  
16 material safety data sheet (MSDS) for the substance or product  
17 pursuant to the Hazardous Substances Information and Training  
18 Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of  
19 Division 5 of the Labor Code) or pursuant to any applicable federal  
20 law or regulation.

21 (2) The substance is listed as a radioactive material in Appendix  
22 B of Chapter 1 (commencing with Section 10.1) of Title 10 of the  
23 Code of Federal Regulations, maintained and updated by the  
24 Nuclear Regulatory Commission.

25 (3) Hazardous materials or substances listed in Part 172  
26 (commencing with Section 172.1) and Part 173 (commencing with  
27 Section 173.1) of Subchapter C of Chapter I of Subtitle B of Title  
28 49 of the Code of Federal Regulations.

29 (4) The materials in the listings specified in subdivision (b) of  
30 Section 6382 of the Labor Code.

31 (o) “Hazardous waste” means hazardous waste, as defined by  
32 Sections 25115 and 25117 and by subdivision (g) of Section 25316.

33 (p) “Office” means the Office of Emergency Services.

34 (q) “Release” means any spilling, leaking, pumping, pouring,  
35 emitting, emptying, discharging, injecting, escaping, leaching,  
36 dumping, or disposing into the environment, unless permitted or  
37 authorized by a regulatory agency.

38 (r) “Secretary” means the Secretary for Environmental  
39 Protection.

1 (s) “SIC or NAICS Code” means the identification number  
2 assigned by the Standard Industrial Classification Code or the  
3 North American Industry Classification System, as applicable, to  
4 specific types of businesses.

5 (t) “Statewide information management system” means the  
6 statewide information management system established pursuant  
7 to subdivision (e) of Section 25404 that provides for the  
8 combination of state and local information management systems  
9 for the purposes of managing unified program data.

10 (u) “Threatened release” means a condition, circumstance, or  
11 incident making it necessary to take immediate action to prevent,  
12 reduce, or mitigate a release with the potential to cause damage  
13 or harm to persons, property, or the environment.

14 (v) “Trade secret” means trade secrets as defined in either  
15 subdivision (d) of Section 6254.7 of the Government Code or  
16 Section 1061 of the Evidence Code.

17 (w) “Unified program facility” means all contiguous land and  
18 structures, other appurtenances, and improvements on the land  
19 that are subject to the requirements of paragraphs (4) and (5) of  
20 subdivision (c) of Section 25404.

21 25502. (a) This article and Article 3 (commencing with Section  
22 25545), as it pertains to the handling of hazardous material, and  
23 Article 2 (commencing with Section 25531), as it pertains to the  
24 regulation of stationary sources, shall be implemented by one of  
25 the following:

26 (1) If there is a CUPA, the unified program agency.

27 (2) If there is no CUPA, the agency authorized pursuant to  
28 subdivision (f) of Section 25404.3.

29 (b) The agency responsible for implementing this article, Article  
30 2 (commencing with Section 25531), and Article 3 (commencing  
31 with Section 25545) shall ensure full access to, and the availability  
32 of, information submitted under this chapter to emergency rescue  
33 personnel and other appropriate governmental entities within its  
34 jurisdiction.

35 25503. (a) The office shall adopt, after public hearing and  
36 consultation with the Office of the State Fire Marshal and other  
37 appropriate public entities, regulations for minimum standards  
38 for business plans and area plans. All business plans and area  
39 plans shall meet the standards adopted by the office.

1     ***(b) The standards for business plans in the regulations adopted***  
2     ***pursuant to subdivision (a) shall do all of the following:***

3         ***(1) Set forth minimum requirements of adequacy, and not***  
4         ***preclude the imposition of additional or more stringent***  
5         ***requirements by local government.***

6         ***(2) Take into consideration and adjust for the size and nature***  
7         ***of the business, the proximity of the business to residential areas***  
8         ***and other populations, and the nature of the damage potential of***  
9         ***its hazardous materials in establishing standards for paragraphs***  
10        ***(3) and (4) of subdivision (a) of Section 25505.***

11        ***(3) Take into account the existence of local area and business***  
12        ***plans that meet the requirements of this article so as to minimize***  
13        ***the duplication of local efforts, consistent with the objectives of***  
14        ***this article.***

15        ***(4) Define what releases and threatened releases are required***  
16        ***to be reported pursuant to Section 25510. The office shall consider***  
17        ***the existing federal reporting requirements in determining a***  
18        ***definition of reporting releases pursuant to Section 25510.***

19     ***(c) A unified program agency shall, in consultation with local***  
20     ***emergency response agencies, establish an area plan for***  
21     ***emergency response to a release or threatened release of a***  
22     ***hazardous material within its jurisdiction. An area plan is not a***  
23     ***statute, ordinance, or regulation for purposes of Section 669 of***  
24     ***the Evidence Code. The standards for area plans in the regulations***  
25     ***adopted pursuant to subdivision (a) shall provide for all of the***  
26     ***following:***

27         ***(1) Procedures and protocols for emergency rescue personnel,***  
28         ***including the safety and health of those personnel.***

29         ***(2) Preemergency planning.***

30         ***(3) Notification and coordination of onsite activities with state,***  
31         ***local, and federal agencies, responsible parties, and special***  
32         ***districts.***

33         ***(4) Training of appropriate employees.***

34         ***(5) Onsite public safety and information.***

35         ***(6) Required supplies and equipment.***

36         ***(7) Access to emergency response contractors and hazardous***  
37         ***waste disposal sites.***

38         ***(8) Incident critique and followup.***

39         ***(9) Requirements for notification to the office of reports made***  
40         ***pursuant to Section 25510.***

1     (d) (1) *The unified program agency shall submit to the office*  
2 *for its review a copy of the proposed area plan within 180 days*  
3 *after adoption of regulations by the office. The office shall notify*  
4 *the unified program agency as to whether the area plan is adequate*  
5 *and meets the area plan standards. The unified program agency*  
6 *shall submit a corrected area plan within 45 days of this notice.*

7     (2) *The unified program agency shall certify to the office every*  
8 *three years that it has conducted a complete review of its area*  
9 *plan and has made any necessary revisions. If a unified program*  
10 *agency makes a substantial change to its area plan, it shall forward*  
11 *the changes to the office within 14 days after the changes have*  
12 *been made.*

13     (e) *The inspection and enforcement program established*  
14 *pursuant to paragraphs (2) and (3) of subdivision (a) of Section*  
15 *25404.2, shall include the basic provisions of a plan to conduct*  
16 *onsite inspections of businesses subject to this article by the unified*  
17 *program agency. These inspections shall ensure compliance with*  
18 *this article and shall identify existing safety hazards that could*  
19 *cause or contribute to a release and, where appropriate, enforce*  
20 *any applicable laws and suggest preventative measures designed*  
21 *to minimize the risk of the release of hazardous material into the*  
22 *workplace or environment. The requirements of this paragraph*  
23 *do not alter or affect the immunity provided to a public entity*  
24 *pursuant to Section 818.6 of the Government Code.*

25     25504. (a) *The Legislature hereby finds and declares that*  
26 *persons attempting to do business in this state are increasingly*  
27 *experiencing excessive and duplicative regulatory requirements*  
28 *at different levels of government.*

29     (b) *To streamline and ease the regulatory burdens of doing*  
30 *business in this state, compliance with Section 25505 shall also*  
31 *suffice to meet the requirements for a Hazardous Materials*  
32 *Management Plan and the Hazardous Materials Inventory*  
33 *Statement as set forth in the California Fire Code and its*  
34 *appendices, to the extent that the information in the California*  
35 *Fire Code is contained in Section 25505.*

36     (c) *The unified program agency shall provide access to the*  
37 *information collected in the statewide information management*  
38 *system to those agencies with shared responsibilities for the*  
39 *protection of the public health and safety and the environment.*

1     (d) *The enforcement of this article by unified program agencies*  
2     *and the California Fire Code by those agencies required to enforce*  
3     *the provisions of that code shall be coordinated.*

4     (e) (1) *Notwithstanding Section 13143.9, and the standards*  
5     *and regulations adopted pursuant to that section, a business that*  
6     *files the annual inventory form in compliance with this article and*  
7     *the addendum adopted pursuant to paragraph (4), if required by*  
8     *the local fire chief, shall be deemed to have met the requirements*  
9     *for a Hazardous Materials Inventory Statement, as set forth in the*  
10    *California Fire Code and its appendices.*

11    (2) *Notwithstanding Section 13143.9, and the standards and*  
12    *regulations adopted pursuant to that section, a business that*  
13    *establishes and maintains a business plan for emergency response*  
14    *to a release or a threatened release of a hazardous material in*  
15    *accordance with Section 25505, shall be deemed to have met the*  
16    *requirements for a Hazardous Materials Management Plan, as*  
17    *set forth in the California Fire Code and its appendices.*

18    (3) *Except for the addendum required by the local fire chief*  
19    *pursuant to paragraph (4), the unified program agency shall be*  
20    *the sole enforcement agency for purposes of determining*  
21    *compliance pursuant to paragraphs (1) and (2).*

22    (4) *The office shall, in consultation with the unified program*  
23    *agencies and the State Fire Marshal, adopt by regulation a single*  
24    *comprehensive addendum for hazardous materials reporting for*  
25    *the purposes of complying with subdivisions (b) and (c) of Section*  
26    *13143.9 and subdivision (b) of Section 25506. The unified program*  
27    *agency shall require businesses to annually use that addendum*  
28    *when complying with subdivisions (b) and (c) of Section 13143.9*  
29    *and subdivision (b) of Section 25506. A business shall file the*  
30    *addendum with the unified program agency when required by the*  
31    *local fire chief pursuant to subdivision (b) of Section 13143.9 or*  
32    *subdivision (b) of Section 25506.*

33    (f) *Except as otherwise expressly provided in this section, this*  
34    *section does not affect or otherwise limit the authority of the local*  
35    *fire chief to enforce the California Fire Code.*

36    25505. (a) *A business plan shall contain all of the following*  
37    *information:*

38    (1) *The inventory of information required by this article and*  
39    *additional information the governing body of the unified program*  
40    *agency finds necessary to protect the health and safety of persons,*

1 *property, or the environment. Locally required information shall*  
2 *be adopted by local ordinance or required by state law. This*  
3 *information shall be subject to trade secret protection specified*  
4 *in Section 25512.*

5 *(2) A site map that contains north orientation, loading areas,*  
6 *internal roads, adjacent streets, storm and sewer drains, access*  
7 *and exit points, emergency shutoffs, evacuation staging areas,*  
8 *hazardous material handling and storage areas, and emergency*  
9 *response equipment. Updates to existing maps to meet these*  
10 *requirements shall be completed by January 1, 2015.*

11 *(3) Emergency response plans and procedures in the event of*  
12 *a reportable release or threatened release of a hazardous material,*  
13 *including, but not limited to, all of the following:*

14 *(A) Immediate notification to the appropriate local emergency*  
15 *rescue personnel and to the unified program agency.*

16 *(B) Procedures for the mitigation of a release or threatened*  
17 *release to minimize any potential harm or damage to persons,*  
18 *property, or the environment.*

19 *(C) Evacuation plans and procedures, including immediate*  
20 *notice, for the business site.*

21 *(4) Training for all new employees and annual training,*  
22 *including refresher courses, for all employees in safety procedures*  
23 *in the event of a release or threatened release of a hazardous*  
24 *material, including, but not limited to, familiarity with the plans*  
25 *and procedures specified in paragraph (3). These training*  
26 *programs may take into consideration the position of each*  
27 *employee. This training shall be documented electronically or by*  
28 *hard copy and shall be made available for a minimum of three*  
29 *years.*

30 *(b) A business required to file a pipeline operations contingency*  
31 *plan in accordance with the California Pipeline Safety Act of 1981*  
32 *(Chapter 5.5 (commencing with Section 51010) of Part 1 of*  
33 *Division 1 of Title 5 of the Government Code) and the regulations*  
34 *of the Department of Transportation, found in Part 195*  
35 *(commencing with Section 195.1) of Subchapter D of Chapter I of*  
36 *Subtitle B of Title 49 of the Code of Federal Regulations, may file*  
37 *a copy of those plans with the unified program agency instead of*  
38 *filing an emergency response plan specified in paragraph (3) of*  
39 *subdivision (a).*



1     25505.1. *A business that is required to establish and implement*  
2 *a business plan pursuant to Section 25507 and is located on leased*  
3 *or rented real property shall notify, in writing, the owner of the*  
4 *property that the business is subject to Section 25507 and has*  
5 *complied with its provisions, and shall provide a copy of the*  
6 *business plan to the owner or the owner's agent within five working*  
7 *days after receiving a request for a copy from the owner or the*  
8 *owner's agent.*

9     25506. (a) *The annual inventory submittal shall contain, but*  
10 *shall not be limited to, information on all of the following that are*  
11 *handled in quantities equal to or greater than the quantities*  
12 *specified in subdivision (a) of Section 25507 or as established by*  
13 *the governing body of the unified program agency by a local*  
14 *ordinance:*

15     (1) *A listing of the chemical name and common names of every*  
16 *hazardous substance or chemical product handled by the business.*

17     (2) *The category of waste, including the general chemical*  
18 *composition of the waste listed by probable maximum and minimum*  
19 *concentrations, of every hazardous waste handled by the business.*

20     (3) *A listing of the chemical name and common names of every*  
21 *other hazardous material or mixture containing a hazardous*  
22 *material handled by the business that is not otherwise listed*  
23 *pursuant to paragraph (1) or (2).*

24     (4) *The maximum amount of each hazardous material or mixture*  
25 *containing a hazardous material disclosed in paragraphs (1), (2),*  
26 *and (3) that is handled at any one time by the business over the*  
27 *course of the year.*

28     (5) *Sufficient information on how and where the hazardous*  
29 *materials disclosed in paragraphs (1), (2), and (3) are handled by*  
30 *the business to allow fire, safety, health, and other appropriate*  
31 *personnel to prepare adequate emergency responses to potential*  
32 *releases of the hazardous materials.*

33     (6) *The SIC or NAICS Code for the business, to the extent that*  
34 *applicable codes exist that represent that business.*

35     (7) *The name and telephone number of the person representing*  
36 *the business and able to assist emergency personnel in the event*  
37 *of an emergency involving the business during nonbusiness hours.*

38     (b) *If required by the local fire chief, the business shall also file*  
39 *the addendum required by paragraph (4) of subdivision (e) of*  
40 *Section 25504.*

1 (c) (1) Except as provided in subdivision (d), the annual  
2 inventory information required by this section shall also include  
3 all inventory information required by Section 11022 of Title 42 of  
4 the United States Code.

5 (2) The office may adopt or amend existing regulations  
6 specifying the inventory information required by this subdivision.

7 (d) If, pursuant to federal law or regulation, as it currently  
8 exists or as it may be amended, the office determines that the  
9 inventory information required by subdivisions (a) and (c) is  
10 substantially equivalent to the inventory information required  
11 under the Emergency Planning and Community Right-to-Know  
12 Act of 1986 (42 U.S.C. Sec. 11001 et seq.), the requirements of  
13 subdivisions (a) and (c) shall not apply.

14 25507. (a) Except as provided in this article, a business shall  
15 establish and implement a business plan for emergency response  
16 to a release or threatened release of a hazardous material in  
17 accordance with the standards prescribed in the regulations  
18 adopted pursuant to Section 25503 if the business meets any of  
19 the following conditions:

20 (1) The business handles a hazardous material or a mixture  
21 containing a hazardous material that has a quantity at any one  
22 time during the reporting year that is equal to, or greater than,  
23 55 gallons for materials that are liquids, 500 pounds for solids,  
24 or 200 cubic feet for compressed gas. The physical state and  
25 quantity present of mixtures shall be determined by the physical  
26 state of the mixture as whole, not individual components, at  
27 standard temperature and pressure.

28 (2) The business is required to submit chemical inventory  
29 information pursuant to Section 11022 of Title 42 of the United  
30 States Code.

31 (3) The business handles at any one time during the reporting  
32 year an amount of a hazardous material that is equal to, or greater  
33 than the threshold planning quantity, under both of the following  
34 conditions:

35 (A) The hazardous material is an extremely hazardous  
36 substance, as defined in Section 355.61 of Title 40 of the Code of  
37 Federal Regulations.

38 (B) The threshold planning quantity for that extremely hazardous  
39 substance listed in Appendices A and B of Part 355 (commencing

1 *with Section 355.1) of Subchapter J of Chapter I of Title 40 of the*  
2 *Code of Federal Regulations is less than 500 pounds.*

3 *(4) (A) The business handles at any one time during the*  
4 *reporting year a total weight of 5,000 pounds for solids or a total*  
5 *volume of 550 gallons for liquids, if the hazardous material is a*  
6 *solid or liquid substance that is classified as a hazard for purposes*  
7 *of Section 5194 of Title 8 of the California Code of Regulations*  
8 *solely as an irritant or sensitizer, unless the unified program*  
9 *agency finds, and provides notice to the business handling the*  
10 *product, that the handling of lesser quantities of that hazardous*  
11 *material requires the submission of a business plan, or any portion*  
12 *of a business plan, in response to public health, safety, or*  
13 *environmental concerns.*

14 *(B) The unified program agency shall make the findings required*  
15 *by subparagraph (A) in consultation with the local fire chief.*

16 *(5) (A) The business handles at any one time during the*  
17 *reporting year a total of 1,000 cubic feet, if the hazardous material*  
18 *is a compressed gas and is classified as a hazard for the purposes*  
19 *of Section 5194 of Title 8 of the California Code of Regulations*  
20 *solely as a compressed gas, unless the unified program agency*  
21 *finds, and provides notice to the business handling the product,*  
22 *that the handling of lesser quantities of that hazardous material*  
23 *requires the submission of a business plan, or any portion thereof,*  
24 *in response to public health, safety, or environmental concerns.*

25 *(B) The unified program agency shall make the findings required*  
26 *by subparagraph (A) in consultation with the local fire chief.*

27 *(C) The hazardous materials subject to subparagraph (A)*  
28 *include a gas for which the only health and physical hazards are*  
29 *simple asphyxiation and the release of pressure.*

30 *(D) The hazardous materials subject to subparagraph (A) do*  
31 *not include gases in a cryogenic state.*

32 *(6) The business handles a radioactive material at any one time*  
33 *during the reporting year that is handled in quantities for which*  
34 *an emergency plan is required to be adopted pursuant to Part 30*  
35 *(commencing with Section 30.1), Part 40 (commencing with Section*  
36 *40.1), or Part 70 (commencing with Section 70.1), of Chapter 1*  
37 *of Title 10 of the Code of Federal Regulations, or pursuant to any*  
38 *regulations adopted by the state in accordance with those*  
39 *regulations.*

1 (7) *The business handles perchlorate material, as defined in*  
2 *subdivision (c) of Section 25210.5, in a quantity at any one time*  
3 *during the reporting year that is equal to, or greater than, the*  
4 *thresholds listed in paragraph (1).*

5 (b) *Oxygen, nitrogen, and nitrous oxide, ordinarily maintained*  
6 *by a physician, dentist, podiatrist, veterinarian, or pharmacist, at*  
7 *his or her office or place of business, stored at each office or place*  
8 *of business in quantities of not more than 1,000 cubic feet of each*  
9 *material at any one time, are exempt from this section and from*  
10 *Section 25506. The unified program agency may require a one-time*  
11 *inventory of these materials for a fee not to exceed fifty dollars*  
12 *(\$50) to pay for the costs incurred by the agency in processing the*  
13 *inventory forms.*

14 (c) (1) *Lubricating oil is exempt from this section and Sections*  
15 *25506 and 25508, for a single business facility, if the total volume*  
16 *of each type of lubricating oil handled at that facility does not*  
17 *exceed 55 gallons and the total volume of all types of lubricating*  
18 *oil handled at that facility does not exceed 275 gallons, at any one*  
19 *time.*

20 (2) *For purposes of this paragraph, “lubricating oil” means*  
21 *oil intended for use in an internal combustion crankcase, or the*  
22 *transmission, gearbox, differential, or hydraulic system of an*  
23 *automobile, bus, truck, vessel, airplane, heavy equipment, or other*  
24 *machinery powered by an internal combustion or electric powered*  
25 *engine. “Lubricating oil” does not include used oil, as defined in*  
26 *subdivision (a) of Section 25250.1.*

27 (d) *Oil-filled electrical equipment that is not contiguous to an*  
28 *electric facility is exempt from this section and Sections 25506*  
29 *and 25508 if the aggregate capacity is less than 1,320 gallons.*

30 (e) *Hazardous material contained solely in a consumer product*  
31 *for direct distribution to, and use by, the general public is exempt*  
32 *from the business plan requirements of this article unless the*  
33 *unified program agency has found, and has provided notice to the*  
34 *business handling the product, that the handling of certain*  
35 *quantities of the product requires the submission of a business*  
36 *plan, or any portion thereof, in response to public health, safety,*  
37 *or environmental concerns.*

38 (f) *In addition to the authority specified in subdivision (h), the*  
39 *governing body of the unified program agency may, in exceptional*  
40 *circumstances, following notice and public hearing, exempt a*

1 hazardous substance specified in subdivision (o) of Section 25501  
2 from Section 25506, if it is found that the hazardous substance  
3 would not pose a present or potential danger to the environment  
4 or to human health and safety if the hazardous substance was  
5 released into the environment. The unified program agency shall  
6 send a notice to the office and the secretary within 15 days from  
7 the effective date of any exemption granted pursuant to this  
8 subdivision.

9 (g) The unified program agency, upon application by a handler,  
10 may exempt the handler, under conditions that the unified program  
11 agency determines to be proper, from any portion of the  
12 requirements to establish and maintain a business plan, upon a  
13 written finding that the exemption would not pose a significant  
14 present or potential hazard to human health or safety or to the  
15 environment, or affect the ability of the unified program agency  
16 and emergency rescue personnel to effectively respond to the  
17 release of a hazardous material, and that there are unusual  
18 circumstances justifying the exemption. The unified program  
19 agency shall specify in writing the basis for any exemption under  
20 this subdivision.

21 (h) The unified program agency, upon application by a handler,  
22 may exempt a hazardous material from the inventory provisions  
23 of this article upon proof that the material does not pose a  
24 significant present or potential hazard to human health and safety  
25 or to the environment if released into the workplace or  
26 environment. The unified program agency shall specify in writing  
27 the basis for any exemption under this subdivision.

28 (i) The unified program agency shall adopt procedures to  
29 provide for public input when approving applications submitted  
30 pursuant to subdivisions (g) and (h).

31 25507.1. (a) A unified program agency shall exempt a business  
32 operating a farm for purposes of cultivating the soil or raising or  
33 harvesting any agricultural or horticultural commodity from filing  
34 the information in the business plan required by paragraphs (3)  
35 and (4) of subdivision (a) of Section 25505 if all of the following  
36 requirements are met:

37 (1) The agricultural handler annually submits the inventory of  
38 information required by Section 25505 to the statewide information  
39 management system.

(2) Each building in which hazardous materials subject to this article are stored is posted with signs, in accordance with regulations that the office shall adopt, that provide notice of the storage of any of the following:

(A) Pesticides.

(B) Petroleum fuels and oil.

(C) Types of fertilizers.

(3) The agricultural handler provides the training programs specified in paragraph (4) of subdivision (a) of Section 25505.

(b) The unified program agency may designate the county agricultural commissioner to conduct the inspections of agricultural handlers. The agricultural commissioner shall schedule and conduct inspections in accordance with Section 25511.

25507.2. (a) The unified program agency shall exempt a business operating an unstaffed remote facility located in an isolated sparsely populated area from Sections 25506 and 25507 if the facility is not otherwise subject to the requirements of applicable federal law, and all of the following requirements are met:

(1) The types and quantities of materials onsite are limited to one or more of the following:

(A) One thousand standard cubic feet of compressed inert gases (asphyxiation and pressure hazards only).

(B) Five hundred gallons of combustible liquid used as a fuel source.

(C) Two hundred gallons of corrosive liquids used as electrolytes in closed containers.

(D) Five hundred gallons of lubricating and hydraulic fluids.

(E) One thousand two hundred gallons of flammable gas used as a fuel source.

(F) Any quantity of mineral oil contained within electrical equipment, such as transformers, bushings, electrical switches, and voltage regulators, if the spill prevention control and countermeasure plan has been prepared for quantities that meet or exceed 1,320 gallons.

(2) The facility is secured and not accessible to the public.

(3) Warning signs are posted and maintained for hazardous materials pursuant to the California Fire Code.

1     (4) A one-time notification and inventory are provided to the  
2 unified program agency along with a processing fee in lieu of the  
3 existing fee. The fee shall not exceed the actual cost of processing  
4 the notification and inventory, including a verification inspection,  
5 if necessary.

6     (5) If the information contained in the initial notification or  
7 inventory changes and the time period of the change is longer than  
8 30 days, the notification or inventory shall be resubmitted within  
9 30 days to the unified program agency to reflect the change, along  
10 with a processing fee, in lieu of the existing fee, that does not  
11 exceed the actual cost of processing the amended notification or  
12 inventory, including a verification inspection, if necessary.

13     (6) The unified program agency shall forward a copy of the  
14 notification and inventory to those agencies that share  
15 responsibility for emergency response.

16     (7) The unified program agency may require an unstaffed remote  
17 facility to submit a hazardous materials business plan and  
18 inventory in accordance with this article if the agency finds that  
19 special circumstances exist so that development and maintenance  
20 of the business plan and inventory are necessary to protect the  
21 public health and safety and the environment.

22     (b) On-premises use, storage, or both, of propane in an amount  
23 not to exceed 500 gallons that is for the sole purpose of cooking,  
24 heating the employee work areas, and heating water, within that  
25 business, is exempt from Section 25507, unless the uniform  
26 program agency finds, and provides notice to the business handling  
27 the propane, that the handling of the on-premise propane requires  
28 the submission of a business plan, or any portion of a business  
29 plan, in response to public health, safety, or environmental  
30 concerns.

31     (c) The unified program agency shall provide all information  
32 obtained from completed inventory forms, upon request, to  
33 emergency rescue personnel on a 24-hour basis.

34     25508. (a) (1) A handler shall electronically submit its  
35 business plan to the statewide information management system in  
36 accordance with the requirements of this article and certify that  
37 the business plan meets the requirements of this article.

38     (2) If, after review, the unified program agency determines that  
39 the handler's business plan is deficient in satisfying the  
40 requirements of this article or the regulations adopted pursuant

1 to Section 25503, the unified program agency shall notify the  
2 handler of those deficiencies. The handler shall electronically  
3 submit a corrected business plan within 30 days from the date of  
4 the notice.

5 (3) If a handler fails, after reasonable notice, to electronically  
6 submit a business plan in compliance with this article, the unified  
7 program agency shall take appropriate action to enforce this  
8 article, including the imposition of civil and criminal penalties as  
9 specified in this article.

10 (4) For data not adopted in the manner established under the  
11 standards adopted pursuant to subdivision (e) of Section 25404,  
12 and that is reported using a document format, the use of a reporting  
13 method accepted by the statewide information management system  
14 shall be considered compliant with the requirement to submit that  
15 data. If the reporting option used does not support public records  
16 requests from the public, the handler shall provide requested  
17 documents to the unified program agency within 10 business days  
18 of a request from the unified program agency.

19 (b) A handler shall review the business plan submitted pursuant  
20 to subdivision (a) at least once every three years to determine if  
21 a revision is needed and shall certify to the unified program agency  
22 that the review was made and that any necessary changes were  
23 made to the plan.

24 (c) Unless exempted from the business plan requirements under  
25 this article, a handler shall annually review the business plan  
26 information and resubmit or certify as correct the inventory  
27 information in the statewide environmental reporting system.

28 (d) A business required to establish, implement, and  
29 electronically submit a business plan pursuant to subdivision (a)  
30 shall not be deemed to be in violation of this article until 30 days  
31 after the business becomes subject to subdivision (a), unless the  
32 unified program agency requests the business to establish,  
33 implement, and electronically submit the business plan at an earlier  
34 date.

35 25508.1. Within 30 days of any one of the following events, a  
36 business subject to this article shall electronically update the  
37 information submitted to the statewide information management  
38 system:

39 (a) A 100 percent or more increase in the quantity of a  
40 previously disclosed material.



1     (b) Any handling of a previously undisclosed hazardous material  
2     subject to the inventory requirements of this article.

3     (c) Change of business address.

4     (d) Change of business ownership.

5     (e) Change of business name.

6     (f) (1) A substantial change in the handler's operations occurs  
7     that requires modification to any portion of the business plan.

8     (2) For the purposes of this subdivision, "substantial change"  
9     means any change in a regulated facility that would inhibit  
10    immediate response during an emergency by either site personnel  
11    or emergency rescue personnel, or that could inhibit the handler's  
12    ability to comply with Section 25507, change the operational  
13    knowledge of the facility, or impede implementation of the business  
14    plan.

15    25508.2. At least once every 12 months, the business owner,  
16    operator, or officially designated representative shall review and  
17    certify that the information in the statewide information  
18    management system has been verified and is complete, accurate,  
19    and up to date and that it contains the information required by  
20    Section 11022 of Title 42 of the United States Code. An annual  
21    electronic submittal to the statewide information management  
22    system satisfies this requirement.

23    25509. (a) The unified program agency shall update its  
24    administrative procedures with regard to maintaining records and  
25    responding to requests for information in accordance with  
26    Subdivision 4 (commencing with Section 15100) of Division 1 of,  
27    and Division 3 of, Title 27 of the California Code of Regulations,  
28    as those regulations read on January 1, 2014. The unified program  
29    agency shall make the data elements and documents submitted  
30    pursuant to this article available for public inspection during the  
31    regular working hours of the unified program agency, except the  
32    data elements and documents specifying the precise location where  
33    hazardous materials are stored and handled onsite, including any  
34    maps required by paragraph (2) of subdivision (a) of Section  
35    25505, shall not be available for inspection. The unified program  
36    agency shall make the data elements and documents submitted  
37    pursuant to this article available to a requesting government  
38    agency that is authorized by law to access the information.

39    (b) A person who submits inventory information required under  
40    Section 25506 with the unified program agency shall be deemed

1 to have filed the inventory form required by Section 11022(a) of  
2 Title 42 of the United States Code with the state emergency  
3 response commission and emergency planning committee  
4 established pursuant to Section 11001 of Title 42 of the United  
5 States Code.

6 (c) The unified program agency shall, upon request, transmit  
7 the information collected pursuant to this chapter to the Chemical  
8 Emergency Planning and Response Commission, established by  
9 the Governor as the state emergency response commission pursuant  
10 to Section 11001(a) of Title 42 of the United States Code, and to  
11 the local emergency planning committee established pursuant to  
12 Section 11001(c) of Title 42 of the United States Code.

13 25510. (a) Except as provided in subdivision (b), the handler  
14 or an employee, authorized representative, agent, or designee of  
15 a handler, shall, upon discovery, immediately report any release  
16 or threatened release of a hazardous material to the unified  
17 program agency, and to the office, in accordance with the  
18 regulations adopted pursuant to Section 25503. The handler or  
19 an employee, authorized representative, agent, or designee of the  
20 handler shall provide all state, city, or county fire or public health  
21 or safety personnel and emergency rescue personnel with access  
22 to the handler's facilities.

23 (b) Subdivision (a) does not apply to a person engaged in the  
24 transportation of a hazardous material on a highway that is subject  
25 to, and in compliance with, the requirements of Sections 2453 and  
26 23112.5 of the Vehicle Code.

27 25510.1. (a) A business required to submit a followup  
28 emergency notice pursuant to Section 11004(c) of Title 42 of the  
29 United States Code shall submit the notice on a form approved by  
30 the office.

31 (b) The office may adopt guidelines for the use of the forms  
32 required by subdivision (a).

33 25510.2. In order to carry out the purposes of this chapter, a  
34 unified program agency may train for, and respond to, the release,  
35 or threatened release, of a hazardous material.

36 25510.3. The emergency rescue personnel, responding to the  
37 reported release or threatened release of a hazardous material,  
38 or of a regulated substance, as defined in Section 25532, or to any  
39 fire or explosion involving a material or substance that involves  
40 a release that would be required to be reported pursuant to Section

1 25510, shall immediately advise the superintendent of the school  
2 district having jurisdiction, where the location of the release or  
3 threatened release is within one-half mile of a school.

4 25511. (a) In order to carry out the purposes of this article  
5 and Article 2 (commencing with Section 25531), an employee or  
6 authorized representative of a unified program agency has the  
7 authority specified in Section 25185, with respect to the premises  
8 of a handler, and in Section 25185.5, with respect to real property  
9 that is within 2,000 feet of the premises of a handler, except that  
10 this authority shall include conducting inspections concerning  
11 hazardous material, in addition to hazardous waste.

12 (b) In addition to the requirements of Section 25537, the unified  
13 program agency shall conduct inspections of every business subject  
14 to this article at least once every three years to determine if the  
15 business is in compliance with this article. The unified program  
16 agency shall give priority, when conducting these inspections, to  
17 inspecting facilities that are required to prepare a risk management  
18 plan pursuant to Article 2 (commencing with Section 25531). In  
19 establishing a schedule for conducting inspections pursuant to  
20 this section, the unified program agency may adopt and use an  
21 index of the volatility, toxicity, and quantity of regulated substances  
22 and hazardous materials. A unified program agency shall attempt  
23 to schedule the inspections conducted pursuant to this section and  
24 Section 25537, when applicable, during the same time period.

25 (c) The unified program agency may designate the county  
26 agricultural commissioner to conduct the inspection of agricultural  
27 handlers for purposes of Section 25507.1.

28 25512. (a) As used in this section, "trade secret" means a  
29 trade secret as defined in either subdivision (d) of Section 6254.7  
30 of the Government Code or Section 1061 of the Evidence Code.

31 (b) (1) If a business believes that the inventory required by this  
32 article involves the release of a trade secret, the business shall  
33 nevertheless provide this information to the unified program  
34 agency, and shall notify the unified program agency in writing of  
35 that belief on the inventory form.

36 (2) Subject to subdivisions (d) and (e), the unified program  
37 agency shall protect from disclosure any information designated  
38 as a trade secret by the business pursuant to paragraph (1).

39 (c) (1) Upon the receipt of a request for the release of  
40 information to the public that includes information that the business

1 *has notified the unified program agency is a trade secret pursuant*  
2 *to paragraph (1) of subdivision (b), the unified program agency*  
3 *shall notify the business in writing of the request by certified mail,*  
4 *return receipt requested.*

5 *(2) The unified program agency shall release the requested*  
6 *information to the public 30 days or more after the date of mailing*  
7 *to the business the notice of the request for information, unless,*  
8 *prior to the expiration of the 30-day period, the business files an*  
9 *action in an appropriate court for a declaratory judgment that the*  
10 *information is subject to protection under subdivision (b) or for*  
11 *an injunction prohibiting disclosure of the information to the*  
12 *public, and promptly notifies the unified program agency of that*  
13 *action.*

14 *(3) This subdivision does not permit a business to refuse to*  
15 *disclose the information required pursuant to this section to the*  
16 *unified program agency.*

17 *(d) Except as provided in subdivision (c), any information that*  
18 *has been designated as a trade secret by a business is confidential*  
19 *information for purposes of this section and shall not be disclosed*  
20 *to anyone except the following:*

21 *(1) An officer or employee of the county, city, state, or the United*  
22 *States, in connection with the official duties of that officer or*  
23 *employee under any law for the protection of health, or contractors*  
24 *with the county, city, state and their employees if, in the opinion*  
25 *of the unified program agency, disclosure is necessary and required*  
26 *for the satisfactory performance of a contract, for performance of*  
27 *work, or to protect the health and safety of the employees of the*  
28 *contractor.*

29 *(2) A physician if the physician certifies in writing to the unified*  
30 *program agency that the information is necessary to the medical*  
31 *treatment of the physician's patient.*

32 *(e) A physician who, by virtue of having obtained possession*  
33 *of, or access to, confidential information, and who, knowing that*  
34 *disclosure of the information to the general public is prohibited*  
35 *by this section, knowingly and willfully discloses the information*  
36 *in any manner to a person not entitled to receive it, is guilty of a*  
37 *misdemeanor.*

38 *(f) An officer or employee of the county or city, or former officer*  
39 *or employee who, by virtue of that employment or official position,*  
40 *has possession of, or has access to, confidential information, and*

1 *who, knowing that disclosure of the information to the general*  
2 *public is prohibited by this section, knowingly and willfully*  
3 *discloses the information in any manner to a person not entitled*  
4 *to receive it, is guilty of a misdemeanor. A contractor with the*  
5 *county or city and an employee of the contractor, who has been*  
6 *furnished information as authorized by this section, shall be*  
7 *considered an employee of the county or city for purposes of this*  
8 *section.*

9 *25512.1. Notwithstanding Section 25512, information certified*  
10 *by appropriate officials of the United States as necessary to be*  
11 *kept secret for national defense purposes shall be accorded the*  
12 *full protections against disclosure as specified by those officials*  
13 *or in accordance with the laws of the United States.*

14 *25513. Each administering county or city may, upon a majority*  
15 *vote of the governing body, adopt a schedule of fees to be collected*  
16 *from each business required to submit a business plan pursuant*  
17 *to this article that is within its jurisdiction. The governing body*  
18 *may provide for the waiver of fees when a business, as defined in*  
19 *paragraph (3), (4), or (5) of subdivision (c) of Section 25501,*  
20 *submits a business plan. The fee shall be set in an amount sufficient*  
21 *to pay only those costs incurred by the unified program agency in*  
22 *carrying out this article. In determining the fee schedule, the*  
23 *unified program agency shall consider the volume and degree of*  
24 *hazard potential of the hazardous materials handled by the*  
25 *businesses subject to this article.*

26 *25514. Notwithstanding any other law, a public entity shall*  
27 *not be held liable for any injury or damages resulting from an*  
28 *inadequate or negligent review of a business plan conducted*  
29 *pursuant to Section 25508.*

30 *25514.1. (a) The submission of any information required under*  
31 *this article does not affect any other liability or responsibility of*  
32 *a business with regard to safeguarding the health and safety of an*  
33 *employee or any other person.*

34 *(b) Compliance with this article shall not be deemed to be*  
35 *compliance with the duty of care required of any business for*  
36 *purposes of any judicial or administrative proceeding conducted*  
37 *pursuant to any other provision of law.*

38 *25515. (a) A business that violates Sections 25504 to 25508.2,*  
39 *inclusive, or Section 25511, shall be civilly liable to the unified*  
40 *program agency in an amount of not more than two thousand*

1 dollars (\$2,000) for each day in which the violation occurs. If the  
2 violation results in, or significantly contributes to, an emergency,  
3 including a fire, the business shall also be assessed the full cost  
4 of the county or city emergency response, as well as the cost of  
5 cleaning up and disposing of the hazardous materials.

6 (b) A business that knowingly violates Sections 25504 to  
7 25508.2, inclusive, or Section 25510.1, after reasonable notice of  
8 the violation shall be civilly liable to the unified program agency  
9 in an amount not to exceed five thousand dollars (\$5,000) for each  
10 day in which the violation occurs.

11 25515.1. A person that knowingly violates Sections 25504 to  
12 25508.2, inclusive, or Section 25510.1, after reasonable notice of  
13 the violation, is, upon conviction, guilty of a misdemeanor. This  
14 section does not preempt any other applicable criminal or civil  
15 penalties.

16 25515.2. (a) Notwithstanding Section 25515, a business that  
17 violates this article is liable to a unified program agency for an  
18 administrative penalty not greater than two thousand dollars  
19 (\$2,000) for each day in which the violation occurs. If the violation  
20 results in, or significantly contributes to, an emergency, including  
21 a fire or health or medical problem requiring toxicological, health,  
22 or medical consultation, the business shall also be assessed the  
23 full cost of the county, city, fire district, local EMS agency  
24 designated pursuant to Section 1797.200, or poison control center  
25 as defined by Section 1797.97, emergency response, as well as the  
26 cost of cleaning up and disposing of the hazardous materials.

27 (b) Notwithstanding Section 25515, a business that knowingly  
28 violates this article after reasonable notice of the violation is liable  
29 for an administrative penalty, not greater than five thousand  
30 dollars (\$5,000) for each day in which the violation occurs.

31 (c) When a unified program agency issues an enforcement order  
32 or assesses an administrative penalty, or both, for a violation of  
33 this article, the unified program agency shall utilize the  
34 administrative enforcement procedures, including the hearing  
35 procedures, specified in Sections 25404.1.1 and 25404.1.2.

36 25515.3. (a) A person or business that violates Section 25510  
37 shall, upon conviction, be punished by a fine of not more than  
38 twenty-five thousand dollars (\$25,000) for each day of violation,  
39 by imprisonment in a county jail for not more than one year, or  
40 by both the fine and imprisonment. If the conviction is for a

1 violation committed after a first conviction under this section, the  
2 person shall be punished by a fine of not less than two thousand  
3 dollars (\$2,000) or more than fifty thousand dollars (\$50,000) per  
4 day of violation, by imprisonment pursuant to subdivision (h) of  
5 Section 1170 of the Penal Code for 16, 20, or 24 months or in a  
6 county jail for not more than one year, or by both the fine and  
7 imprisonment. Furthermore, if the violation results in, or  
8 significantly contributes to, an emergency, including a fire, to  
9 which the county or city is required to respond, the person shall  
10 also be assessed the full cost of the county or city emergency  
11 response, as well as the cost of cleaning up and disposing of the  
12 hazardous materials.

13 (b) Notwithstanding subdivision (a), a person who knowingly  
14 fails to report, pursuant to Section 25510, an oil spill occurring  
15 in waters of the state, other than marine waters, shall, upon  
16 conviction, be punished by a fine of not more than fifty thousand  
17 dollars (\$50,000), by imprisonment in a county jail for not more  
18 than one year, or by both that fine and imprisonment.

19 (c) Notwithstanding subdivision (a), a person who knowingly  
20 makes a false or misleading report on an oil spill occurring in  
21 waters of the state, other than marine waters, shall, upon  
22 conviction, be punished by a fine of not more than fifty thousand  
23 dollars (\$50,000), by imprisonment in a county jail for not more  
24 than one year, or by both that fine and imprisonment.

25 (d) This section does not preclude prosecution or sentencing  
26 under other provisions of law.

27 25515.4. A person who willfully prevents, interferes with, or  
28 attempts to impede the enforcement of this article by any authorized  
29 representative of a unified program agency is, upon conviction,  
30 guilty of a misdemeanor.

31 25515.5. (a) All criminal penalties collected pursuant to this  
32 article shall be apportioned in the following manner:

33 (1) Fifty percent shall be paid to the office of the city attorney,  
34 district attorney, or Attorney General, whichever office brought  
35 the action.

36 (2) Fifty percent shall be paid to the agency which is responsible  
37 for the investigation of the action.

38 (b) All civil penalties collected pursuant to this chapter shall  
39 be apportioned in the following manner:

1     (1) Fifty percent shall be paid to the office of the city attorney,  
2     district attorney, or Attorney General, whichever office brought  
3     the action.

4     (2) Fifty percent shall be paid to the agency responsible for the  
5     investigation of the action.

6     (c) If a reward is paid to a person pursuant to Section 25517,  
7     the amount of the reward shall be deducted from the amount of  
8     the criminal or civil penalty before the amount is apportioned  
9     pursuant to subdivisions (a) and (b).

10    25515.6. (a) If the unified program agency determines that a  
11    business has engaged in, is engaged in, or is about to engage in  
12    acts or practices that constitute or will constitute a violation of  
13    this article or a regulation or order adopted or issued pursuant  
14    to this article, and when requested by the unified program agency,  
15    the city attorney of the city or the district attorney of the county  
16    in which those acts or practices have occurred, are occurring, or  
17    will occur shall apply to the superior court for an order enjoining  
18    the acts or practices for an order directing compliance, and, upon  
19    a showing that the person or business has engaged in, is engaged  
20    in, or is about to engage in the acts or practices, a permanent or  
21    temporary injunction, restraining order, or other appropriate  
22    order may be granted.

23    (b) This section does not prohibit a city attorney or district  
24    attorney from seeking the same relief upon the city attorney's or  
25    district attorney's own motion.

26    25515.7. Every civil action brought under this article or Article  
27    2 (commencing with Section 25531) shall be brought by the city  
28    attorney, district attorney, or Attorney General in the name of the  
29    people of the State of California, and any actions relating to the  
30    same violation may be joined or consolidated.

31    25515.8. (a) In a civil action brought pursuant to this article  
32    or Article 2 (commencing with Section 25531) in which a  
33    temporary restraining order, preliminary injunction, or permanent  
34    injunction is sought, it is not necessary to allege or prove at any  
35    stage of the proceeding any of the following:

36    (1) Irreparable damage will occur should the temporary  
37    restraining order, preliminary injunction, or permanent injunction  
38    not be issued.

39    (2) The remedy at law is inadequate.



1     (b) The court shall issue a temporary restraining order;  
2     preliminary injunction, or permanent injunction in a civil action  
3     brought pursuant to this article or Article 2 (commencing with  
4     Section 25531) without the allegations and without the proof  
5     specified in subdivision (a).

6     25516. (a) A person who provides information that materially  
7     contributes to the imposition of a civil penalty, whether by  
8     settlement or court order, under Section 25515 or 25515.2, as  
9     determined by the city attorney, district attorney, or the Attorney  
10    General filing the action, shall be paid a reward by the unified  
11    program agency or the state equal to 10 percent of the amount of  
12    the civil penalty collected. The reward shall be paid from the  
13    amount of the civil penalty collected. No reward paid pursuant to  
14    this subdivision shall exceed five thousand dollars (\$5,000).

15    (b) A person who provides information that materially  
16    contributes to the conviction of a person or business under Section  
17    25515.1 or 25515.3, as determined by the city attorney, district  
18    attorney, or the Attorney General filing the action, shall be paid  
19    a reward by the unified program agency or the state equal to 10  
20    percent of the amount of the fine collected. The reward shall be  
21    paid from the amount of the fine collected. No reward paid  
22    pursuant to this subdivision shall exceed five thousand dollars  
23    (\$5,000).

24    (c) An informant shall not be eligible for a reward for a violation  
25    known to the unified program agency, unless the information  
26    materially contributes to the imposition of criminal or civil  
27    penalties for a violation specified in this section.

28    (d) If there is more than one informant for a single violation,  
29    the person making the first notification received by the office which  
30    brought the action shall be eligible for the reward, except that, if  
31    the notifications are postmarked on the same day or telephoned  
32    notifications are received on the same day, the reward shall be  
33    divided equally among those informants.

34    (e) Public officers and employees of the United States, the State  
35    of California, or counties and cities in this state are not eligible  
36    for the reward pursuant to subdivision (a) or (b), unless the  
37    providing of the information does not relate in any manner to their  
38    responsibilities as public officers or employees.

39    (f) An informant who is an employee of a business and who  
40    provides information that the business has violated this chapter

1 *is not eligible for a reward if the employee intentionally or*  
2 *negligently caused the violation or if the employee's primary and*  
3 *regular responsibilities included investigating the violation, unless*  
4 *the business knowingly caused the violation.*

5 *(g) The unified program agency or the state shall pay rewards*  
6 *under this section pursuant to the following procedures:*

7 *(1) An application shall be signed by the informant and*  
8 *presented to the unified program agency or the state within 60*  
9 *days after a final judgment has been entered or the period for an*  
10 *appeal of a judgment has expired.*

11 *(2) The determination by the district attorney, city attorney, or*  
12 *Attorney General as to whether the information provided by the*  
13 *applicant materially contributed to the imposition of a judgment*  
14 *under Section 25515.1 or 25515.3 shall be final.*

15 *(3) The unified program agency or the state shall notify the*  
16 *applicant in writing of its decision to grant or deny a reward within*  
17 *a reasonable time period following the filing of an application.*

18 *(4) Approved reward claims shall be paid by the unified program*  
19 *agency or the state within 30 days of the collection and deposit of*  
20 *the penalties specified in subdivisions (a) and (b).*

21 *(h) The names of reward applicants or informants shall not be*  
22 *disclosed by the unified program agency or the state unless the*  
23 *names are otherwise publicly disclosed as part of a judicial*  
24 *proceeding.*

25 *(i) Notwithstanding any other provision of this section, rewards*  
26 *paid by the state shall only be paid after appropriation by the*  
27 *Legislature.*

28 *25517. The office may develop materials, including guidelines*  
29 *and informational pamphlets, to assist businesses to fulfill their*  
30 *obligations under this article.*

31 *25518. This article shall be construed liberally so as to*  
32 *accomplish the intent of the Legislature in protecting the public*  
33 *health, safety, and the environment.*

34 *25519. If any provision of this article or the application thereof*  
35 *to any person or circumstances is held invalid, that invalidity shall*  
36 *not affect other provisions or applications of this article that can*  
37 *be given effect without the invalid provision or application, and*  
38 *to that end the provisions of this article are severable.*

39 *SEC. 5. Section 25532 of the Health and Safety Code is*  
40 *amended to read:*

1 25532. Unless the context indicates otherwise, the following  
2 definitions govern the construction of this article:

3 (a) “Accidental release” means an unanticipated emission of a  
4 regulated substance or other extremely hazardous substance into  
5 the ambient air from a stationary source.

6 (b) “Administering agency” means ~~the local~~ *a unified program*  
7 ~~agency authorized, pursuant to as defined in Section 25502, to~~  
8 ~~implement and enforce this article.~~ 25501.

9 (c) “Covered process” means a process that has a regulated  
10 substance present in more than a threshold quantity.

11 (d) “Modified stationary source” means an addition or change  
12 to a stationary source that qualifies as a “major change,” as defined  
13 in Subpart A (commencing with Section 68.1) of Part 68 of  
14 Subchapter C of Chapter I of Title 40 of the Code of Federal  
15 Regulations. “Modified stationary source” does not include an  
16 increase in production up to the source’s existing operational  
17 capacity or an increase in production level, up to the production  
18 levels authorized in a permit granted pursuant to Section 42300.

19 (e) “Person” means an individual, trust, firm, joint stock  
20 company, business concern, partnership, limited liability company,  
21 association, or corporation, including, but not limited to, a  
22 government corporation. “Person” also includes any city, county,  
23 city and county, district, commission, the state or any department,  
24 agency or political subdivision thereof, any interstate body, and  
25 the federal government or any department or agency thereof to  
26 the extent permitted by law.

27 ~~(e)~~

28 (f) “Process” means any activity involving a regulated substance,  
29 including any use, storage, manufacturing, handling, or onsite  
30 movement of the regulated substance or any combination of these  
31 activities. For the purposes of this definition, any group of vessels  
32 that are interconnected, or separate vessels that are located so that  
33 a regulated substance could be involved in a potential release, shall  
34 be considered a single process.

35 ~~(f)~~

36 (g) “Qualified person” means a person who is qualified to attest,  
37 at a minimum, to the completeness of an RMP.

38 ~~(g)~~

39 (h) “Regulated substance” means any substance that is either  
40 of the following:

(1) A regulated substance listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)).

(2) (A) An extremely hazardous substance listed in Appendix A of Part 355 (commencing with Section 355.10) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations that is any of the following:

(i) A gas at standard temperature and pressure.

(ii) A liquid with a vapor pressure at standard temperature and pressure equal to or greater than 10 millimeters mercury.

(iii) A solid that is one of the following:

(I) In solution or in molten form.

(II) In powder form with a particle size less than 100 microns.

(III) Reactive with a National Fire Protection Association rating of 2, 3, or 4.

(iv) A substance that the office determines may pose a regulated substances accident risk pursuant to subclause (II) of clause (i) of subparagraph (B) or pursuant to Section 25543.3.

(B) (i) On or before June 30, 1997, the office shall, in consultation with the Office of Environmental Health Hazard Assessment, determine which of the extremely hazardous substances listed in Appendix A of Part 355 (commencing with Section 355.10) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations do either of the following:

(I) Meet one or more of the criteria specified in clauses (i), (ii), or (iii) of subparagraph (A).

(II) May pose a regulated substances accident risk, in consideration of the factors specified in subdivision (g) of Section 25543.1, and, therefore, should remain on the list of regulated substances until completion of the review conducted pursuant to subdivision (a) of Section 25543.3.

(ii) The office shall adopt, by regulation, a list of the extremely hazardous substances identified pursuant to clause (i). Extremely hazardous substances placed on the list are regulated substances for the purposes of this article. Until the list is adopted, the administering agency shall determine which extremely hazardous substances should remain on the list of regulated substances pursuant to the standards specified in clause (i).

(h)

(i) “Regulated substances accident risk” means a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

~~(i)~~

(j) “RMP” means the risk management plan required under Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations and by this article.

~~(j)~~

(k) “State threshold quantity” means the quantity of a regulated substance described in subparagraph (A) of paragraph (2) of subdivision (g), as adopted by the office pursuant to Section 25543.1 or 25543.3. Until the office adopts a state threshold quantity for a regulated substance, the state threshold quantity shall be the threshold planning quantity for the regulated substance specified in Appendix A of Part 355 (commencing with Section 355.10) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.

~~(k)~~

(l) “Stationary source” means any stationary source, as defined in Section 68.3 of Title 40 of the Code of Federal Regulations.

~~(l)~~

(m) “Threshold quantity” means the quantity of a regulated substance that is determined to be present at a stationary source in the manner specified in Section 68.115 of Title 40 of the Code of Federal Regulations and that is the lesser of either of the following:

(1) The threshold quantity for the regulated substance specified in Section 68.130 of Title 40 of the Code of Federal Regulations.

(2) The state threshold quantity.

~~(m) “Person” means an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation, including, but not limited to, a government corporation. “Person” also includes any city, county, city and county, district, commission, the state or any department, agency or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.~~

1     *SEC. 6. Section 25535.2 of the Health and Safety Code is*  
2     *amended to read:*

3     25535.2. Within 15 days after the administering agency  
4     determines that an RMP is complete, the ~~administering unified~~  
5     ~~program~~ agency shall make the RMP available to the public for  
6     review and comment for a period of at least 45 days. A notice  
7     briefly describing and stating that the RMP is available for public  
8     review at a certain location shall be placed in a daily local  
9     newspaper *or placed on an administering agency's Internet Web*  
10    *site*, and mailed to interested persons and organizations. The  
11    administering agency shall review the RMP, and any comments  
12    received, following the regulations adopted pursuant to subdivision  
13    (a) of Section 25534.05.

14    *SEC. 7. Section 25536 of the Health and Safety Code is*  
15    *amended to read:*

16    25536. (a) ~~Any~~ *A person or a stationary source* with one or  
17    more covered processes shall comply with the requirements of this  
18    article no later than the latest date specified in Subpart A  
19    (commencing with Section 68.1) of Part 68 of Subchapter C of  
20    Chapter 7 of Title 40 of the Code of Federal Regulations.

21    (b) If the administering agency makes a determination pursuant  
22    to Section 25534 that a *person or stationary source* is required to  
23    prepare and submit an RMP, the *person or stationary source* shall  
24    submit the RMP in accordance with a schedule established by the  
25    administering agency after consultation with the stationary source.  
26    The administering agency shall not require an RMP to be submitted  
27    earlier than 12 months or later than three years after the owner or  
28    operator has received a notice of that determination from the  
29    administering agency.

30    *SEC. 8. Section 25536.5 of the Health and Safety Code is*  
31    *amended to read:*

32    25536.5. (a) ~~Any business which~~ *A person or a stationary*  
33    ~~*source that*~~ *source that* was required to prepare, submit, and implement a risk  
34    management and prevention program pursuant to this article as it  
35    read on December 31, 1996, and which is required to prepare and  
36    submit an RMP pursuant to this article, shall continue to implement  
37    the risk management and prevention program until the business  
38    has submitted an RMP as specified in this article.

39    (b) ~~Any business which~~ *A person or a stationary source that*  
40    ~~*was required to prepare, submit, and implement a risk management*~~

1 and prevention program pursuant to this article as it read on  
2 December 31, 1996, and which is not required to prepare an RMP  
3 pursuant to this article is required to comply only with those  
4 requirements of this chapter that apply to the business.

5 (c) ~~Any~~ *A person or a stationary source* ~~which that~~ was not  
6 required to prepare, submit, and implement a risk management  
7 and prevention program pursuant to this article as it read on  
8 December 31, 1996, but which is required to prepare and submit  
9 an RMP pursuant to this article, shall submit and implement an  
10 RMP not later than the deadlines specified in Subpart A  
11 (commencing with Section 68.1) of Part 68 of Subchapter C of  
12 Chapter 7 of Title 40 of the Code of Federal Regulations.

13 *SEC. 9. Section 25540 of the Health and Safety Code is*  
14 *amended to read:*

15 25540. (a) Any person or stationary source that violates this  
16 article shall be civilly *or administratively* liable to the ~~administering~~  
17 *unified program* agency in an amount of not more than two  
18 thousand dollars (\$2,000) for each day in which the violation  
19 occurs. If the violation results in, or significantly contributes to,  
20 an emergency, including a fire, the person or stationary source  
21 shall also be assessed the full cost of the county or city emergency  
22 response, as well as the cost of cleaning up and disposing of the  
23 hazardous materials.

24 (b) Any person or stationary source that knowingly violates this  
25 article after reasonable notice of the violation shall be civilly *or*  
26 *administratively* liable to the ~~administering~~ *unified program* agency  
27 in a amount not to exceed twenty-five thousand dollars (\$25,000)  
28 for each day in which the violation occurs. If the violation results  
29 in, or significantly contributes to, an emergency, including a fire,  
30 the person or stationary source shall also be assessed the full cost  
31 of the county or city emergency response, as well as the cost of  
32 cleaning up and disposing of any hazardous materials.

33 (c) ~~When an administering a unified program~~ agency issues an  
34 enforcement order or assesses an administrative penalty, or both,  
35 for a violation of this article, the ~~administering~~ *unified program*  
36 agency shall utilize the administrative enforcement procedures,  
37 including the hearing procedures, specified in Sections 25404.1.1  
38 and 25404.1.2.

39 *SEC. 10. No reimbursement is required by this act pursuant*  
40 *to Section 6 of Article XIII B of the California Constitution because*

1 *a local agency or school district has the authority to levy service*  
2 *charges, fees, or assessments sufficient to pay for the program or*  
3 *level of service mandated by this act or because costs that may be*  
4 *incurred by a local agency or school district will be incurred*  
5 *because this act creates a new crime or infraction, eliminates a*  
6 *crime or infraction, or changes the penalty for a crime or*  
7 *infraction, within the meaning of Section 17556 of the Government*  
8 *Code, or changes the definition of a crime within the meaning of*  
9 *Section 6 of Article XIII B of the California Constitution.*

10 SECTION 1. ~~Section 13143.9 of the Health and Safety Code~~  
11 ~~is amended to read:~~

12 ~~13143.9. (a) The State Fire Marshal shall, in carrying out~~  
13 ~~Section 13143, prepare, adopt, and submit building standards and~~  
14 ~~other fire and life safety regulations for approval pursuant to~~  
15 ~~Chapter 4 (commencing with Section 18935) of Part 2.5 of Division~~  
16 ~~13 establishing minimum requirements for the storage, handling,~~  
17 ~~and use of hazardous materials, as defined, in the California Fire~~  
18 ~~Code. The State Fire Marshal shall seek the advice of the Office~~  
19 ~~of Emergency Services in establishing these requirements. This~~  
20 ~~section does not prohibit a city, county, or district from adopting~~  
21 ~~an ordinance, resolution, or regulation imposing stricter or more~~  
22 ~~stringent requirements than a standard adopted pursuant to this~~  
23 ~~section.~~

24 ~~(b) A business that files the annual inventory form in compliance~~  
25 ~~with Chapter 6.95 (commencing with Section 25500) of Division~~  
26 ~~20, including the addendum adopted pursuant to paragraph (4) of~~  
27 ~~subdivision (e) of Section 25504, shall be deemed to have met the~~  
28 ~~requirements of the California Fire Code regarding hazardous~~  
29 ~~materials inventory statements, as adopted by the State Fire~~  
30 ~~Marshal pursuant to this section.~~

31 ~~(c) A business that is not required to file a hazardous materials~~  
32 ~~inventory form pursuant to Section 25506 but that is required by~~  
33 ~~the local fire chief to comply with the California Fire Code~~  
34 ~~regarding hazardous materials inventory statements, as adopted~~  
35 ~~by the State Fire Marshal pursuant to this section, shall,~~  
36 ~~notwithstanding Chapter 6.95 (commencing with Section 25500)~~  
37 ~~of Division 20, file the inventory form adopted pursuant to Section~~  
38 ~~25506 and the addendum adopted pursuant to paragraph (4) of~~  
39 ~~subdivision (e) of Section 25504 with the local fire chief for~~



1 purposes of complying with this requirement, if determined to be  
2 necessary by the fire chief.

3 SEC. 2. ~~Section 25214.14 of the Health and Safety Code is~~  
4 ~~amended to read:~~

5 ~~25214.14. A package or a packaging component is exempt~~  
6 ~~from the requirements of Section 25214.13, and shall be deemed~~  
7 ~~in compliance with this article, if the manufacturer or supplier~~  
8 ~~complies with the applicable documentation requirements specified~~  
9 ~~in Section 25214.15 and the package or packaging component~~  
10 ~~meets any of the following conditions:~~

11 ~~(a) The package or packaging component is marked with a code~~  
12 ~~indicating a date of manufacture prior to January 1, 2006.~~

13 ~~(b) A regulated metal has been added to the package or~~  
14 ~~packaging component in the manufacturing, forming, printing, or~~  
15 ~~distribution process, to comply with the health or safety~~  
16 ~~requirements of a federal or state law.~~

17 ~~(c) (1) The package or packaging component contains no~~  
18 ~~intentionally introduced regulated metals, but exceeds the~~  
19 ~~applicable maximum concentration level set forth in subdivision~~  
20 ~~(c) of Section 25214.13 only because of the addition of a recycled~~  
21 ~~material.~~

22 ~~(2) This subdivision, and all exemptions provided pursuant to~~  
23 ~~it, expire on January 1, 2015.~~

24 ~~(d) (1) A regulated metal has been added to the package or~~  
25 ~~packaging component in the manufacturing, forming, printing, or~~  
26 ~~distribution process for a use for which there is no feasible~~  
27 ~~alternative.~~

28 ~~(2) For purposes of this subdivision, “a use for which there is~~  
29 ~~no feasible alternative” means a use, other than for purposes of~~  
30 ~~marketing, for which a regulated metal is essential to the protection,~~  
31 ~~safe handling, or function, of the package’s contents, and technical~~  
32 ~~constraints preclude the substitution of other materials.~~

33 ~~(e) (1) The package or packaging component is reused and~~  
34 ~~contains no intentionally introduced regulated metals, but exceeds~~  
35 ~~the applicable maximum concentration level set forth in subdivision~~  
36 ~~(e) of Section 25214.13, and all of the following apply:~~

37 ~~(A) The product being conveyed by the package, the package,~~  
38 ~~or packaging component is otherwise regulated under a federal or~~  
39 ~~state health or safety requirement.~~

~~(B) The transportation of the packaged product is regulated under federal or state transportation requirements.~~

~~(C) The disposal of the package is otherwise performed according to the requirements of this chapter or Chapter 8 (commencing with Section 114960) of Part 9 of Division 104.~~

~~(2) This subdivision, and all exemptions provided pursuant to it, expire on January 1, 2010.~~

~~(f) (1) The package or packaging component has a controlled distribution and reuse and contains no intentionally introduced regulated metals, but exceeds the applicable maximum concentration level set forth in subdivision (e) of Section 25214.13.~~

~~(2) This subdivision, and all exemptions provided pursuant to it, expire on January 1, 2010.~~

~~(g) (1) The packaging or packaging component is a glass or ceramic package or packaging component that has a vitrified label, and that, when tested in accordance with the Waste Extraction Test, described in Appendix II of Chapter 11 (commencing with Section 66261.1) of Division 4.5 of Title 22 of the California Code of Regulations does not exceed 1.0 ppm for cadmium, 5.0 ppm for hexavalent chromium, or 5.0 ppm for lead. A glass or ceramic package or packaging component containing mercury is not exempted pursuant to this subdivision.~~

~~(2) A glass bottle package with paint or applied ceramic decoration on the bottle does not qualify for an exemption pursuant to this section, if the paint or applied ceramic decoration contains lead or lead compounds in excess of 0.06 percent by weight.~~

~~(3) This subdivision, and all exemptions provided pursuant to it, expire on January 1, 2010.~~

~~SEC. 3. Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code is repealed.~~

~~SEC. 4. Article 1 (commencing with Section 25500) is added to Chapter 6.95 of Division 20 of the Health and Safety Code, to read:~~

#### ~~Article 1. Business and Area Plans~~

~~25500. (a) The Legislature declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The~~

1 establishment of a statewide environmental reporting system for  
2 these plans is a statewide requirement. Basic information on the  
3 location, type, quantity, and health risks of hazardous materials  
4 handled, used, stored, or disposed of in the state, which could be  
5 accidentally released into the environment, is required to be  
6 submitted to firefighters, health officials, planners, public safety  
7 officers, health care providers, regulatory agencies, and other  
8 interested persons. The information provided by business and area  
9 plans is necessary in order to prevent or mitigate the damage to  
10 the health and safety of persons and the environment from the  
11 release or threatened release of hazardous materials into the  
12 workplace and environment.

13 (b) The Legislature further finds and declares that this article  
14 and Article 2 (commencing with Section 25531) do not occupy  
15 the whole area of regulating the inventorying of hazardous  
16 materials and the preparation of hazardous materials response plans  
17 by businesses, and the Legislature does not intend to preempt any  
18 local actions, ordinances, or regulations that impose additional or  
19 more stringent requirements on businesses that handle hazardous  
20 materials. Thus, in enacting this article and Article 2 (commencing  
21 with Section 25531), it is not the intent of the Legislature to  
22 preempt or otherwise nullify any other statute or local ordinance  
23 containing the same or greater standards and protections.

24 25501. Unless the context indicates otherwise, the following  
25 definitions govern the construction of this article:

26 (a) “Agricultural handler” means a business operating a farm  
27 that is subject to the exemption specified in Section 25507.1.

28 (b) “Area plan” means a plan established pursuant to Section  
29 25503 by a unified program agency for emergency response to a  
30 release or threatened release of a hazardous material within a city  
31 or county.

32 (c) “Business” means all of the following:

33 (1) An employer, self-employed individual, trust, firm, joint  
34 stock company, corporation, partnership, or association.

35 (2) A business organized for profit and a nonprofit business.

36 (3) The federal government, to the extent authorized by law.

37 (4) An agency, department, office, board, commission, or bureau  
38 of state government, including, but not limited to, the campuses  
39 of the California Community Colleges, the California State  
40 University, and the University of California.

~~(5) An agency, department, office, board, commission, or bureau of a city, county, or district.~~

~~(d) “Business plan” means a separate plan for each facility, site, or branch of a business that meets the requirements of Section 25505.~~

~~(e) “Certification statement” means a certification by the business owner, operator, or officially designated representative that attests to all of the following:~~

~~(1) The information last submitted to the statewide information management system is complete, accurate, and up to date.~~

~~(2) There has been no change in the quantity of any hazardous material, as most recently submitted to the statewide information management system.~~

~~(3) No hazardous materials subject to the inventory requirements of this article are being handled that are not listed on the inventory most recently submitted to the statewide information management system.~~

~~(4) The information most recently submitted to the statewide information management system contains the information required by Section 11022 of Title 42 of the United States Code.~~

~~(f) (1) “Certified Unified Program Agency” or “CUPA” means the agency certified by the secretary to implement the unified program specified in Chapter 6.11 (commencing with Section 25404) within a jurisdiction.~~

~~(2) “Participating Agency” or “PA” means an agency that has a written agreement with the CUPA pursuant to subdivision (d) of Section 25404.3, and is approved by the secretary, to implement or enforce one or more of the unified program elements specified in paragraphs (4) and (5) of subdivision (c) of Section 25404, in accordance with Sections 25404.1 and 25404.2.~~

~~(3) (A) “Unified program agency” or “UPA” means the CUPA, or its participating agencies to the extent each PA has been designated by the CUPA, pursuant to a written agreement, to implement or enforce a particular unified program element specified in paragraphs (4) and (5) of subdivision (c) of Section 25404. For purposes of this article and Article 2 (commencing with Section 25531), the UPAs have the responsibility and authority, to the extent provided by this article and Article 2 (commencing with Section 25531) and Sections 25404.1 and 25404.2, to implement and enforce only those requirements of this~~

1 article and Article 2 (commencing with Section 25531) listed in  
2 paragraphs (4) and (5) of subdivision (c) of Section 25404.

3 (B) For purposes of subdivision (b) of Section 25532,  
4 “administering agency” means the unified program agency.

5 (4) The UPAs also have the responsibility and authority, to the  
6 extent provided by this article and Article 2 (commencing with  
7 Section 25531) and Sections 25404.1 and 25404.2, to implement  
8 and enforce the regulations adopted to implement the requirements  
9 of this article and Article 2 (commencing with Section 25531)  
10 listed in paragraphs (4) and (5) of subdivision (c) of Section 25404.  
11 After a CUPA has been certified by the secretary, the unified  
12 program agencies shall be the only local agencies authorized to  
13 enforce the requirements of this article and Article 2 (commencing  
14 with Section 25531) listed in paragraphs (4) and (5) of subdivision  
15 (c) of Section 25404 within the jurisdiction of the CUPA.

16 (g) “City” includes any city and county.

17 (h) “Chemical name” means the scientific designation of a  
18 substance in accordance with the nomenclature system developed  
19 by the International Union of Pure and Applied Chemistry or the  
20 system developed by the Chemical Abstracts Service.

21 (i) “Common name” means any designation or identification,  
22 such as a code name, code number, trade name, or brand name,  
23 used to identify a substance by other than its chemical name.

24 (j) “Compressed gas” means a material, or mixture of materials,  
25 that meets either of the following:

26 (1) The definition of compressed fluid or cryogenic fluid found  
27 in the California Fire Code.

28 (2) Compressed gas that is regulated pursuant to Part 1  
29 (commencing with Section 6300) of Division 5 of the Labor Code.

30 (k) “Emergency rescue personnel” means a public employee,  
31 including, but not limited to, a firefighter or emergency rescue  
32 personnel, as defined in Section 245.1 of the Penal Code, or  
33 personnel of a local EMS agency, as designated pursuant to Section  
34 1797.200, or a poison control center, as defined by Section  
35 1797.97, who responds to any condition caused, in whole or in  
36 part, by a hazardous material that jeopardizes, or could jeopardize,  
37 public health or safety or the environment.

38 (l) “Handle” means all of the following:

39 (1) (A) To use, generate, process, produce, package, treat, store,  
40 emit, discharge, or dispose of a hazardous material in any fashion.

1     (B) For purposes of subparagraph (A), “store” does not include  
2     the storage of hazardous materials incidental to transportation, as  
3     defined in Title 49 of the Code of Federal Regulations, with regard  
4     to the inventory requirements of Section 25506.

5     (2) (A) The use or potential for use of a quantity of hazardous  
6     material by the connection of a marine vessel, tank vehicle, tank  
7     car, or container to a system or process for any purpose.

8     (B) For purposes of subparagraph (A), the use or potential use  
9     does not include the immediate transfer to or from an approved  
10    atmospheric tank or approved portable tank that is regulated as  
11    loading or unloading incidental to transportation by Title 49 of the  
12    Code of Federal Regulations.

13    (m) “Handler” means a business that handles a hazardous  
14    material.

15    (n) “Hazardous material” means a material that, because of its  
16    quantity, concentration, or physical or chemical characteristics,  
17    poses a significant present or potential hazard to human health and  
18    safety or to the environment if released into the workplace or the  
19    environment. “Hazardous materials” include, but are not limited  
20    to, hazardous substances, hazardous waste, and any material that  
21    a handler or the unified program agency has a reasonable basis for  
22    believing that it would be injurious to the health and safety of  
23    persons or harmful to the environment if released into the  
24    workplace or the environment.

25    (o) “Hazardous substance” means any substance or chemical  
26    product for which one of the following applies:

27    (1) The manufacturer or producer is required to prepare a  
28    Material Safety Data Sheet (MSDS) for the substance or product  
29    pursuant to the Hazardous Substances Information and Training  
30    Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of  
31    Division 5 of the Labor Code) or pursuant to any applicable federal  
32    law or regulation.

33    (2) The substance is listed as a radioactive material in Appendix  
34    B of Chapter 1 (commencing with Section 10.1) of Title 10 of the  
35    Code of Federal Regulations, maintained and updated by the  
36    Nuclear Regulatory Commission.

37    (3) Hazardous materials or substances listed in Part 172  
38    (commencing with Section 172.1) and Part 173 (commencing with  
39    Section 173.1) of Subchapter C of Chapter I of Subtitle B of Title  
40    49 of the Code of Federal Regulations.

1     ~~(4) The materials in the listings specified in subdivision (b) of~~  
2     ~~Section 6382 of the Labor Code.~~

3     ~~(p) “Hazardous waste” means hazardous waste, as defined by~~  
4     ~~Sections 25115 and 25117 and by subdivision (g) of Section 25316.~~

5     ~~(q) “Office” means the Office of Emergency Services.~~

6     ~~(r) “Release” means any spilling, leaking, pumping, pouring,~~  
7     ~~emitting, emptying, discharging, injecting, escaping, leaching,~~  
8     ~~dumping, or disposing into the environment, unless permitted or~~  
9     ~~authorized by a regulatory agency.~~

10    ~~(s) “Secretary” means the Secretary for Environmental~~  
11    ~~Protection.~~

12    ~~(t) “SIC or NAICS Code” means the identification number~~  
13    ~~assigned by the Standard Industrial Classification Code or the~~  
14    ~~North American Industry Classification System, as applicable, to~~  
15    ~~specific types of businesses.~~

16    ~~(u) “Statewide information management system” means the~~  
17    ~~statewide information management system established pursuant~~  
18    ~~to subdivision (e) of Section 25404 that provides for the~~  
19    ~~combination of state and local information management systems~~  
20    ~~for the purposes of managing unified program data.~~

21    ~~(v) “Threatened release” means a condition creating a substantial~~  
22    ~~probability of harm, when the probability and potential extent of~~  
23    ~~harm make it reasonably necessary to take immediate action to~~  
24    ~~prevent, reduce, or mitigate damages to persons, property, or the~~  
25    ~~environment.~~

26    ~~(w) “Trade secret” means trade secrets as defined in either~~  
27    ~~subdivision (d) of Section 6254.7 of the Government Code or~~  
28    ~~Section 1061 of the Evidence Code.~~

29    ~~(x) “Unified program facility” means all contiguous land and~~  
30    ~~structures, other appurtenances, and improvements on the land~~  
31    ~~that are subject to the requirements of paragraphs (4) and (5) of~~  
32    ~~subdivision (e) of Section 25404.~~

33    ~~25502. (a) This article and Article 3 (commencing with Section~~  
34    ~~25545), as it pertains to the handling of hazardous material, and~~  
35    ~~Article 2 (commencing with Section 25531), as it pertains to the~~  
36    ~~regulation of stationary sources, shall be implemented by one of~~  
37    ~~the following:~~

38    ~~(1) If there is a CUPA, the unified program agency.~~

39    ~~(2) If there is no CUPA, the agency authorized pursuant to~~  
40    ~~subdivision (f) of Section 25404.3.~~

1     (b) ~~The agency responsible for implementing this article, Article~~  
2     ~~2 (commencing with Section 25531), and Article 3 (commencing~~  
3     ~~with Section 25545) shall ensure full access to, and the availability~~  
4     ~~of, information submitted under this chapter to emergency rescue~~  
5     ~~personnel and other appropriate governmental entities within its~~  
6     ~~jurisdiction.~~

7     ~~25503. (a) The office shall adopt, after public hearing and~~  
8     ~~consultation with the Office of the State Fire Marshal and other~~  
9     ~~appropriate public entities, regulations for minimum standards for~~  
10    ~~business plans and area plans. All business plans and area plans~~  
11    ~~shall meet the standards adopted by the office.~~

12    ~~(b) The standards for business plans in the regulations adopted~~  
13    ~~pursuant to subdivision (a) shall do all of the following:~~

14    ~~(1) Set forth minimum requirements of adequacy, and not~~  
15    ~~preclude the imposition of additional or more stringent~~  
16    ~~requirements by local government.~~

17    ~~(2) Take into consideration and adjust for the size and nature~~  
18    ~~of the business, the proximity of the business to residential areas~~  
19    ~~and other populations, and the nature of the damage potential of~~  
20    ~~its hazardous materials in establishing standards for paragraphs~~  
21    ~~(3) and (4) of subdivision (a) of Section 25505.~~

22    ~~(3) Take into account the existence of local area and business~~  
23    ~~plans that meet the requirements of this article so as to minimize~~  
24    ~~the duplication of local efforts, consistent with the objectives of~~  
25    ~~this article.~~

26    ~~(4) Define what releases and threatened releases are required~~  
27    ~~to be reported pursuant to Section 25510. The office shall consider~~  
28    ~~the existing federal reporting requirements in determining a~~  
29    ~~definition of reporting releases pursuant to Section 25510.~~

30    ~~(c) A unified program agency shall, in consultation with local~~  
31    ~~emergency response agencies, establish an area plan for emergency~~  
32    ~~response to a release or threatened release of a hazardous material~~  
33    ~~within its jurisdiction. An area plan is not a statute, ordinance, or~~  
34    ~~regulation for purposes of Section 669 of the Evidence Code. The~~  
35    ~~standards for area plans in the regulations adopted pursuant to~~  
36    ~~subdivision (a) shall provide for all of the following:~~

37    ~~(1) Procedures and protocols for emergency rescue personnel,~~  
38    ~~including the safety and health of those personnel.~~

39    ~~(2) Preemergency planning.~~



1 ~~(3) Notification and coordination of onsite activities with state,~~  
2 ~~local, and federal agencies, responsible parties, and special districts.~~

3 ~~(4) Training of appropriate employees.~~

4 ~~(5) Onsite public safety and information.~~

5 ~~(6) Required supplies and equipment.~~

6 ~~(7) Access to emergency response contractors and hazardous~~  
7 ~~waste disposal sites.~~

8 ~~(8) Incident critique and followup.~~

9 ~~(9) Requirements for notification to the office of reports made~~  
10 ~~pursuant to Section 25510.~~

11 ~~(d) (1) The unified program agency shall submit to the office~~  
12 ~~for its review a copy of the proposed area plan within 180 days~~  
13 ~~after adoption of regulations by the office. The office shall notify~~  
14 ~~the unified program agency as to whether the area plan is adequate~~  
15 ~~and meets the area plan standards. The unified program agency~~  
16 ~~shall submit a corrected area plan within 45 days of this notice.~~

17 ~~(2) The unified program agency shall certify to the office every~~  
18 ~~three years that it has conducted a complete review of its area plan~~  
19 ~~and has made any necessary revisions. If a unified program agency~~  
20 ~~makes a substantial change to its area plan, it shall forward the~~  
21 ~~changes to the office within 14 days after the changes have been~~  
22 ~~made.~~

23 ~~(e) The inspection and enforcement program established~~  
24 ~~pursuant to paragraphs (2) and (3) of subdivision (a) of Section~~  
25 ~~25404.2, shall include the basic provisions of a plan to conduct~~  
26 ~~onsite inspections of businesses subject to this article by the unified~~  
27 ~~program agency. These inspections shall ensure compliance with~~  
28 ~~this article and shall identify existing safety hazards that could~~  
29 ~~cause or contribute to a release and, where appropriate, enforce~~  
30 ~~any applicable laws and suggest preventative measures designed~~  
31 ~~to minimize the risk of the release of hazardous material into the~~  
32 ~~workplace or environment. The requirements of this paragraph do~~  
33 ~~not alter or affect the immunity provided to a public entity pursuant~~  
34 ~~to Section 818.6 of the Government Code.~~

35 ~~25504. (a) The Legislature hereby finds and declares that~~  
36 ~~persons attempting to do business in this state are increasingly~~  
37 ~~experiencing excessive and duplicative regulatory requirements~~  
38 ~~at different levels of government.~~

39 ~~(b) To streamline and ease the regulatory burdens of doing~~  
40 ~~business in this state, compliance with Section 25505 shall also~~

1 suffice to meet the requirements for a Hazardous Materials  
2 Management Plan and the Hazardous Materials Inventory  
3 Statement as set forth in the California Fire Code and its  
4 appendices, to the extent that the information in the California Fire  
5 Code is contained in Section 25505.

6 (e) The unified program agency shall provide access to the  
7 information collected in the statewide information management  
8 system to those agencies with shared responsibilities for the  
9 protection of the public health and safety and the environment.

10 (d) The enforcement of this article by unified program agencies  
11 and the California Fire Code by those agencies required to enforce  
12 the provisions of that code shall be coordinated.

13 (e) (1) Notwithstanding Section 13143.9, and the standards and  
14 regulations adopted pursuant to that section, a business that files  
15 the annual inventory form in compliance with this article and the  
16 addendum adopted pursuant to paragraph (4), if required by the  
17 local fire chief, shall be deemed to have met the requirements for  
18 a Hazardous Materials Inventory Statement, as set forth in the  
19 California Fire Code and its appendices.

20 (2) Notwithstanding Section 13143.9, and the standards and  
21 regulations adopted pursuant to that section, a business that  
22 establishes and maintains a business plan for emergency response  
23 to a release or a threatened release of a hazardous material in  
24 accordance with Section 25505, shall be deemed to have met the  
25 requirements for a Hazardous Materials Management Plan, as set  
26 forth in the California Fire Code and its appendices.

27 (3) Except for the addendum required by the local fire chief  
28 pursuant to paragraph (4), the unified program agency shall be the  
29 sole enforcement agency for purposes of determining compliance  
30 pursuant to paragraphs (1) and (2).

31 (4) The office shall, in consultation with the unified program  
32 agencies and the State Fire Marshal, adopt by regulation a single  
33 comprehensive addendum for hazardous materials reporting for  
34 the purposes of complying with subdivisions (b) and (c) of Section  
35 13143.9 and subdivision (b) of Section 25506. The unified program  
36 agency shall require businesses to annually use that addendum  
37 when complying with subdivisions (b) and (c) of Section 13143.9  
38 and subdivision (b) of Section 25506. A business shall file the  
39 addendum with the unified program agency when required by the  
40 local fire chief pursuant to subdivision (b) of Section 25506.

1 (f) Except as otherwise expressly provided in this section, this  
2 section does not affect or otherwise limit the authority of the local  
3 fire chief to enforce the California Fire Code.

4 25505. (a) A business plan shall include all of the following  
5 information:

6 (1) ~~The inventory of information required by Section 25506 and~~  
7 ~~whatever additional information the unified program agency finds~~  
8 ~~is necessary to protect the health and safety of persons, property,~~  
9 ~~or the environment. This information shall be subject to trade secret~~  
10 ~~protection specified in Section 25512.~~

11 (2) ~~Emergency response plans and procedures in the event of a~~  
12 ~~reportable release or threatened release of a hazardous material,~~  
13 ~~including, but not limited to, all of the following:~~

14 (A) ~~Immediate notification to the appropriate local emergency~~  
15 ~~rescue personnel and to the unified program agency.~~

16 (B) ~~Procedures for the mitigation of a release or threatened~~  
17 ~~release to minimize any potential harm or damage to persons,~~  
18 ~~property, or the environment.~~

19 (C) ~~Evacuation plans and procedures, including immediate~~  
20 ~~notice, for the business site.~~

21 (3) ~~Training for all new employees and annual training,~~  
22 ~~including refresher courses, for all employees in safety procedures~~  
23 ~~in the event of a release or threatened release of a hazardous~~  
24 ~~material, including, but not limited to, familiarity with the plans~~  
25 ~~and procedures specified in paragraph (2). These training programs~~  
26 ~~may take into consideration the position of each employee. This~~  
27 ~~training shall be documented electronically or by hard copy and~~  
28 ~~shall be made available for a minimum of three years.~~

29 (b) ~~A business required to file a pipeline operations contingency~~  
30 ~~plan in accordance with the California Pipeline Safety Act of 1981~~  
31 ~~(Chapter 5.5 (commencing with Section 51010) of Part 1 of~~  
32 ~~Division 1 of Title 5 of the Government Code) and the regulations~~  
33 ~~of the Department of Transportation, found in Part 195~~  
34 ~~(commencing with Section 195.1) of Subchapter D of Chapter I~~  
35 ~~of Subtitle B of Title 49 of the Code of Federal Regulations, may~~  
36 ~~file a copy of those plans with the unified program agency instead~~  
37 ~~of filing an emergency response plan specified in paragraph (3)~~  
38 ~~of subdivision (a).~~

39 25505.1. A business that is required to establish and implement  
40 a business plan pursuant to Section 25507 and is located on leased

1 or rented real property shall notify, in writing, the owner of the  
2 property that the business is subject to Section 25507 and has  
3 complied with its provisions, and shall provide a copy of the  
4 business plan to the owner or the owner's agent within five working  
5 days after receiving a request for a copy from the owner or the  
6 owner's agent.

7 25506. (a) The annual inventory submittal shall include, but  
8 shall not be limited to, information on all of the following that are  
9 handled in quantities equal to or greater than the quantities  
10 specified in subdivision (a) of Section 25507:

11 (1) A listing of the chemical name and common names of every  
12 hazardous substance or chemical product handled by the business.

13 (2) The category of waste, including the general chemical  
14 composition of the waste listed by probable maximum and  
15 minimum concentrations, of every hazardous waste handled by  
16 the business.

17 (3) A listing of the chemical name and common names of every  
18 other hazardous material or mixture containing a hazardous  
19 material handled by the business that is not otherwise listed  
20 pursuant to paragraph (1) or (2).

21 (4) The maximum amount of each hazardous material or mixture  
22 containing a hazardous material disclosed in paragraphs (1), (2),  
23 and (3) that is handled at any one time by the business over the  
24 course of the year.

25 (5) The total estimated amounts of each hazardous waste handled  
26 by the business throughout the course of the year.

27 (6) Sufficient information on how and where the hazardous  
28 materials disclosed in paragraphs (1), (2), and (3) are handled by  
29 the business to allow fire, safety, health, and other appropriate  
30 personnel to prepare adequate emergency responses to potential  
31 releases of the hazardous materials.

32 (7) The SIC or NAICS Code for the business, to the extent that  
33 applicable codes exist that represent that business.

34 (8) The name and telephone number of the person representing  
35 the business and able to assist emergency personnel in the event  
36 of an emergency involving the business during nonbusiness hours.

37 (b) If required by the local fire chief, the business shall also file  
38 the addendum required by paragraph (4) of subdivision (c) of  
39 Section 25504.

1     ~~(e) (1) Except as provided in subdivision (d), the annual~~  
2 ~~inventory information required by this section shall also include~~  
3 ~~all inventory information required by Section 11022 of Title 42~~  
4 ~~of the United States Code.~~

5     ~~(2) The office may adopt or amend existing regulations~~  
6 ~~specifying the inventory information required by this subdivision.~~

7     ~~(d) If, pursuant to federal law or regulation, as it currently exists~~  
8 ~~or as it may be amended, the office determines that the inventory~~  
9 ~~information required by subdivisions (a) and (e) is substantially~~  
10 ~~equivalent to the inventory information required under the~~  
11 ~~Emergency Planning and Community Right-to-Know Act of 1986~~  
12 ~~(42 U.S.C. Sec. 11001 et seq.), the requirements of subdivisions~~  
13 ~~(a) and (e) shall not apply.~~

14     ~~25507. (a) Except as provided in this article, a business shall~~  
15 ~~establish and implement a business plan for emergency response~~  
16 ~~to a release or threatened release of a hazardous material in~~  
17 ~~accordance with the standards prescribed in the regulations adopted~~  
18 ~~pursuant to Section 25503 if the business meets any of the~~  
19 ~~following conditions:~~

20     ~~(1) The business handles a hazardous material or a mixture~~  
21 ~~containing a hazardous material that has a quantity at any one time~~  
22 ~~during the reporting year that is equal to, or greater than, 55 gallons~~  
23 ~~for materials that are liquids, 500 pounds for solids, or 200 cubic~~  
24 ~~feet for compressed gas. The physical state and quantity present~~  
25 ~~of mixtures shall be determined by the physical state of the mixture~~  
26 ~~as whole, not individual components, at standard temperature and~~  
27 ~~pressure.~~

28     ~~(2) The business is required to submit chemical inventory~~  
29 ~~information pursuant to Section 11022 of Title 42 of the United~~  
30 ~~States Code.~~

31     ~~(3) The business handles at any one time during the reporting~~  
32 ~~year an amount of a hazardous material that is equal to, or greater~~  
33 ~~than the threshold planning quantity, under both of the following~~  
34 ~~conditions:~~

35     ~~(A) The hazardous material is an extremely hazardous substance,~~  
36 ~~as defined in Section 355.61 of Title 40 of the Code of Federal~~  
37 ~~Regulations.~~

38     ~~(B) The threshold planning quantity for that extremely hazardous~~  
39 ~~substance listed in Appendices A and B of Part 355 (commencing~~

1 with Section 355.1) of Subchapter J of Chapter I of Title 40 of the  
2 Code of Federal Regulations is less than 500 pounds.

3 ~~(4) (A) The business handles at any one time during the~~  
4 ~~reporting year a total weight of 5,000 pounds for solids and a total~~  
5 ~~volume of 550 gallons for liquids, if the hazardous material is a~~  
6 ~~solid or liquid substance that is classified as a hazard for purposes~~  
7 ~~of Section 5194 of Title 8 of the California Code of Regulations~~  
8 ~~solely as an irritant or sensitizer, unless the unified program agency~~  
9 ~~finds, and provides notice to the business handling the product,~~  
10 ~~that the handling of lesser quantities of that hazardous material~~  
11 ~~requires the submission of a business plan, or any portion of a~~  
12 ~~business plan, in response to public health, safety, or environmental~~  
13 ~~concerns.~~

14 ~~(B) The unified program agency shall make the findings required~~  
15 ~~by subparagraph (A) in consultation with the local fire chief.~~

16 ~~(5) (A) The business handles at any one time during the~~  
17 ~~reporting year a total of 1,000 cubic feet, if the hazardous material~~  
18 ~~is a compressed gas and is classified as a hazard for the purposes~~  
19 ~~of Section 5194 of Title 8 of the California Code of Regulations~~  
20 ~~solely as a compressed gas, unless the unified program agency~~  
21 ~~finds, and provides notice to the business handling the product,~~  
22 ~~that the handling of lesser quantities of that hazardous material~~  
23 ~~requires the submission of a business plan, or any portion thereof,~~  
24 ~~in response to public health, safety, or environmental concerns.~~

25 ~~(B) The unified program agency shall make the findings required~~  
26 ~~by subparagraph (A) in consultation with the local fire chief.~~

27 ~~(C) The hazardous materials subject to subparagraph (A) include~~  
28 ~~a gas for which the only health and physical hazards are simple~~  
29 ~~asphyxiation and the release of pressure.~~

30 ~~(D) The hazardous materials subject to subparagraph (A) do~~  
31 ~~not include gases in a cryogenic state.~~

32 ~~(6) The business handles a radioactive material at any one time~~  
33 ~~during the reporting year that is handled in quantities for which~~  
34 ~~an emergency plan is required to be adopted pursuant to Part 30~~  
35 ~~(commencing with Section 30.1), Part 40 (commencing with~~  
36 ~~Section 40.1), or Part 70 (commencing with Section 70.1), of~~  
37 ~~Chapter 1 of Title 10 of the Code of Federal Regulations, or~~  
38 ~~pursuant to any regulations adopted by the state in accordance with~~  
39 ~~those regulations.~~

1     ~~(7) The business handles perchlorate material, as defined in~~  
2     ~~subdivision (c) of Section 25210.5, in a quantity at any one time~~  
3     ~~during the reporting year that is equal to, or greater than, the~~  
4     ~~thresholds listed in paragraph (1).~~

5     ~~(b) Oxygen, nitrogen, and nitrous oxide, ordinarily maintained~~  
6     ~~by a physician, dentist, podiatrist, veterinarian, or pharmacist, at~~  
7     ~~his or her office or place of business, stored at each office or place~~  
8     ~~of business in quantities of not more than 1,000 cubic feet of each~~  
9     ~~material at any one time, are exempt from this section and from~~  
10    ~~Section 25506. The unified program agency may require a one-time~~  
11    ~~inventory of these materials for a fee not to exceed fifty dollars~~  
12    ~~(\$50) to pay for the costs incurred by the agency in processing the~~  
13    ~~inventory forms.~~

14    ~~(c) (1) Lubricating oil is exempt from this section and Sections~~  
15    ~~25506 and 25508, for a single business facility, if the total volume~~  
16    ~~of each type of lubricating oil handled at that facility does not~~  
17    ~~exceed 55 gallons and the total volume of all types of lubricating~~  
18    ~~oil handled at that facility does not exceed 275 gallons, at any one~~  
19    ~~time.~~

20    ~~(2) For purposes of this paragraph, “lubricating oil” means oil~~  
21    ~~intended for use in an internal combustion crankcase, or the~~  
22    ~~transmission, gearbox, differential, or hydraulic system of an~~  
23    ~~automobile, bus, truck, vessel, airplane, heavy equipment, or other~~  
24    ~~machinery powered by an internal combustion or electric powered~~  
25    ~~engine. “Lubricating oil” does not include used oil, as defined in~~  
26    ~~subdivision (a) of Section 25250.1.~~

27    ~~(d) Oil-filled electrical equipment that is not contiguous to an~~  
28    ~~electric facility is exempt from this section and Sections 25506~~  
29    ~~and 25508 if the aggregate capacity is less than 1,320 gallons.~~

30    ~~(e) Hazardous material contained solely in a consumer product~~  
31    ~~for direct distribution to, and use by, the general public is exempt~~  
32    ~~from the business plan requirements of this article unless the~~  
33    ~~unified program agency has found, and has provided notice to the~~  
34    ~~business handling the product, that the handling of certain~~  
35    ~~quantities of the product requires the submission of a business~~  
36    ~~plan, or any portion thereof, in response to public health, safety,~~  
37    ~~or environmental concerns.~~

38    ~~(f) In addition to the authority specified in subdivision (h), the~~  
39    ~~unified program agency may, in exceptional circumstances,~~  
40    ~~following notice and public hearing, exempt a hazardous substance~~

1 specified in subdivision (o) of Section 25501 from Section 25506;  
2 if the unified program agency finds that the hazardous substance  
3 would not pose a present or potential danger to the environment  
4 or to human health and safety if the hazardous substance was  
5 released into the environment. The unified program agency shall  
6 specify in writing the basis for granting an exemption under this  
7 subdivision. The unified program agency shall send a notice to the  
8 office within five days from the effective date of any exemption  
9 granted pursuant to this subdivision.

10 (g) The unified program agency, upon application by a handler,  
11 may exempt the handler, under conditions that the unified program  
12 agency determines to be proper, from any portion of the  
13 requirements to establish and maintain a business plan, upon a  
14 written finding that the exemption would not pose a significant  
15 present or potential hazard to human health or safety or to the  
16 environment, or affect the ability of the unified program agency  
17 and emergency rescue personnel to effectively respond to the  
18 release of a hazardous material, and that there are unusual  
19 circumstances justifying the exemption. The unified program  
20 agency shall specify in writing the basis for any exemption under  
21 this subdivision.

22 (h) The unified program agency, upon application by a handler,  
23 may exempt a hazardous material from the inventory provisions  
24 of this article upon proof that the material does not pose a  
25 significant present or potential hazard to human health and safety  
26 or to the environment if released into the workplace or  
27 environment. The unified program agency shall specify in writing  
28 the basis for any exemption under this subdivision.

29 (i) The unified program agency shall adopt procedures to provide  
30 for public input when approving applications submitted pursuant  
31 to subdivisions (g) and (h).

32 25507.1. (a) A unified program agency shall exempt a business  
33 operating a farm for purposes of cultivating the soil or raising or  
34 harvesting any agricultural or horticultural commodity from filing  
35 the information in the business plan required by paragraphs (3)  
36 and (4) of subdivision (a) of Section 25505 if all of the following  
37 requirements are met:

38 (1) The agricultural handler annually submits the inventory of  
39 information required by Section 25505 to the statewide  
40 environmental reporting system.



~~(2) Each building in which hazardous materials subject to this article are stored is posted with signs, in accordance with regulations that the office shall adopt, that provide notice of the storage of any of the following:~~

~~(A) Pesticides.~~

~~(B) Petroleum fuels and oil.~~

~~(C) Types of fertilizers.~~

~~(3) The agricultural handler provides the training programs specified in paragraph (4) of subdivision (a) of Section 25505.~~

~~(b) The unified program agency may designate the county agricultural commissioner to conduct the inspections of agricultural handlers. The agricultural commissioner shall schedule and conduct inspections in accordance with Section 25511.~~

~~25507.2. (a) The unified program agency shall exempt a business operating an unstaffed remote facility located in an isolated sparsely populated area from Sections 25506 and 25507 if the facility is not otherwise subject to the requirements of applicable federal law, and all of the following requirements are met:~~

~~(1) The types and quantities of materials onsite are limited to one or more of the following:~~

~~(A) One thousand standard cubic feet of compressed inert gases (asphyxiation and pressure hazards only).~~

~~(B) Five hundred gallons of combustible liquid used as a fuel source.~~

~~(C) Two hundred gallons of corrosive liquids used as electrolytes in closed containers.~~

~~(D) Five hundred gallons of lubricating and hydraulic fluids.~~

~~(E) One thousand two hundred gallons of flammable gas used as a fuel source.~~

~~(F) Any quantity of mineral oil contained within electrical equipment, such as transformers, bushings, electrical switches, and voltage regulators, if the spill prevention control and countermeasure plan has been prepared for quantities that meet or exceed 1,320 gallons.~~

~~(2) The facility is secured and not accessible to the public.~~

~~(3) Warning signs are posted and maintained for hazardous materials pursuant to the California Fire Code.~~

~~(4) A one-time notification and inventory are provided to the unified program agency along with a processing fee in lieu of the~~

1 existing fee. The fee shall not exceed the actual cost of processing  
2 the notification and inventory, including a verification inspection;  
3 if necessary.

4 (5) If the information contained in the initial notification or  
5 inventory changes and the time period of the change is longer than  
6 30 days, the notification or inventory shall be resubmitted within  
7 30 days to the unified program agency to reflect the change, along  
8 with a processing fee, in lieu of the existing fee, that does not  
9 exceed the actual cost of processing the amended notification or  
10 inventory, including a verification inspection, if necessary.

11 (6) The unified program agency shall forward a copy of the  
12 notification and inventory to those agencies that share responsibility  
13 for emergency response.

14 (7) The unified program agency may require an unstaffed remote  
15 facility to submit a hazardous materials business plan and inventory  
16 in accordance with this article if the agency finds that special  
17 circumstances exist so that development and maintenance of the  
18 business plan and inventory are necessary to protect the public  
19 health and safety and the environment.

20 (b) On-premises use, storage, or both, of propane in an amount  
21 not to exceed 500 gallons that is for the sole purpose of cooking,  
22 heating the employee work areas, and heating water, within that  
23 business, is exempt from Section 25507, unless the uniform  
24 program agency finds, and provides notice to the business handling  
25 the propane, that the handling of the on-premise propane requires  
26 the submission of a business plan, or any portion of a business  
27 plan, in response to public health, safety, or environmental  
28 concerns.

29 (c) The unified program agency shall provide all information  
30 obtained from completed inventory forms, upon request, to  
31 emergency rescue personnel on a 24-hour basis.

32 25508. — (a) (1) A handler shall electronically submit its  
33 business plan to the statewide information management system in  
34 accordance with the requirements of this article and certify that  
35 the business plan meets the requirements of this article.

36 (2) If, after review, the unified program agency determines that  
37 the handler's business plan is deficient in satisfying the  
38 requirements of this article or the regulations adopted pursuant to  
39 Section 25503, the unified program agency shall notify the handler

1 of those deficiencies. The handler shall electronically submit a  
2 corrected business plan within 30 days from the date of the notice.

3 (3) If a handler fails, after reasonable notice, to electronically  
4 submit a business plan in compliance with this article, the unified  
5 program agency shall take appropriate action to enforce this article,  
6 including the imposition of civil and criminal penalties as specified  
7 in this article.

8 (4) For data not adopted in the manner established under the  
9 standards adopted pursuant to subdivision (c) of Section 25404,  
10 and that is reported using a document format, the use of a reporting  
11 method accepted by the statewide information management system  
12 shall be considered compliance with the requirement to submit  
13 that data. If the reporting option used does not support public  
14 records requests from the public, the handler shall provide  
15 requested documents to the unified program agency within 10  
16 business days of a request from the unified program agency.

17 (b) A handler shall review the business plan submitted pursuant  
18 to subdivision (a) at least once every three years to determine if a  
19 revision is needed and shall certify to the unified program agency  
20 that the review was made and that any necessary changes were  
21 made to the plan.

22 (c) Unless exempted from the business plan requirements under  
23 this article, a handler shall annually review the business plan  
24 information and resubmit or certify as correct the inventory  
25 information in the statewide environmental reporting system.

26 (d) A business required to establish, implement, and  
27 electronically submit a business plan pursuant to subdivision (a)  
28 shall not be deemed to be in violation of this article until 30 days  
29 after the business becomes subject to subdivision (a), unless the  
30 unified program agency requests the business to establish,  
31 implement, and electronically submit the business plan at an earlier  
32 date.

33 25508.1. Within 30 days of any one of the following events,  
34 a business subject to this article shall electronically update the  
35 information submitted to the statewide environmental reporting  
36 system:

37 (a) A 100 percent or more increase in the quantity of a  
38 previously disclosed material.

39 (b) Any handling of a previously undisclosed hazardous material  
40 subject to the inventory requirements of this article.

1 ~~(e) Change of business address.~~

2 ~~(d) Change of business ownership.~~

3 ~~(e) Change of business name.~~

4 ~~(f) A substantial change in the handler's operations occurs that~~  
5 ~~requires modification to any portion of the business plan.~~

6 ~~25509. (a) The unified program agency shall update its~~  
7 ~~administrative procedures with regard to maintaining records and~~  
8 ~~responding to requests for information in accordance with~~  
9 ~~Subdivision 4 (commencing with Section 15100) of Division 1 of,~~  
10 ~~and Division 3 of, Title 27 of the California Code of Regulations,~~  
11 ~~as those regulations read on January 1, 2014. The unified program~~  
12 ~~agency shall make the data elements and documents submitted~~  
13 ~~pursuant to this article available for public inspection during the~~  
14 ~~regular working hours of the unified program agency, except that~~  
15 ~~the data elements and documents specifying the precise location~~  
16 ~~where hazardous materials are stored and handled onsite, including~~  
17 ~~any maps required by paragraph (2) of subdivision (a) of Section~~  
18 ~~25505, shall not be available for inspection. The unified program~~  
19 ~~agency shall make the data elements and documents submitted~~  
20 ~~pursuant to this article available to a requesting government agency~~  
21 ~~that is authorized by law to access the information.~~

22 ~~(b) A person who submits inventory information required under~~  
23 ~~Section 25506 with the unified program agency shall be deemed~~  
24 ~~to have filed the inventory form required by Section 11022(a) of~~  
25 ~~Title 42 of the United States Code with the state emergency~~  
26 ~~response commission and emergency planning committee~~  
27 ~~established pursuant to Section 11001 of Title 42 of the United~~  
28 ~~States Code.~~

29 ~~(c) The unified program agency shall, upon request, transmit~~  
30 ~~the information collected pursuant to this chapter to the Chemical~~  
31 ~~Emergency Planning and Response Commission, established by~~  
32 ~~the Governor as the state emergency response commission pursuant~~  
33 ~~to Section 11001(a) of Title 42 of the United States Code, and to~~  
34 ~~the local emergency planning committee established pursuant to~~  
35 ~~Section 11001(c) of Title 42 of the United States Code.~~

36 ~~25510. (a) Except as provided in subdivision (b), the handler~~  
37 ~~or an employee, authorized representative, agent, or designee of~~  
38 ~~a handler, shall, upon discovery, immediately report any release~~  
39 ~~or threatened release of a hazardous material to the unified program~~  
40 ~~agency, and to the office, in accordance with the regulations~~

1 adopted pursuant to Section 25503. The handler or an employee,  
2 authorized representative, agent, or designee of the handler shall  
3 provide all state, city, or county fire or public health or safety  
4 personnel and emergency rescue personnel with access to the  
5 handler's facilities.

6 (b) ~~Subdivision (a) does not apply to a person engaged in the~~  
7 ~~transportation of a hazardous material on a highway that is subject~~  
8 ~~to, and in compliance with, the requirements of Sections 2453 and~~  
9 ~~23112.5 of the Vehicle Code.~~

10 25510.1. (a) ~~A business required to submit a followup~~  
11 ~~emergency notice pursuant to Section 11004(c) of Title 42 of the~~  
12 ~~United States Code shall submit the notice on a form approved by~~  
13 ~~the office.~~

14 (b) ~~The office may adopt guidelines for the use of the forms~~  
15 ~~required by subdivision (a).~~

16 25510.2. ~~In order to carry out the purposes of this chapter, a~~  
17 ~~unified program agency may train for, and respond to, the release,~~  
18 ~~or threatened release, of a hazardous material.~~

19 25510.3. ~~The emergency rescue personnel, responding to the~~  
20 ~~reported release or threatened release of a hazardous material, or~~  
21 ~~of a regulated substance, as defined in Section 25532, or to any~~  
22 ~~fire or explosion involving a material or substance that involves a~~  
23 ~~release that would be required to be reported pursuant to Section~~  
24 ~~25510, shall immediately advise the superintendent of the school~~  
25 ~~district having jurisdiction, where the location of the release or~~  
26 ~~threatened release is within one-half mile of a school.~~

27 25511. (a) ~~In order to carry out the purposes of this article and~~  
28 ~~Article 2 (commencing with Section 25531), an employee or~~  
29 ~~authorized representative of a unified program agency has the~~  
30 ~~authority specified in Section 25185, with respect to the premises~~  
31 ~~of a handler, and in Section 25185.5, with respect to real property~~  
32 ~~that is within 2,000 feet of the premises of a handler, except that~~  
33 ~~this authority shall include conducting inspections concerning~~  
34 ~~hazardous material, in addition to hazardous waste.~~

35 (b) ~~In addition to the requirements of Section 25537, the unified~~  
36 ~~program agency shall conduct inspections of every business subject~~  
37 ~~to this article at least once every three years to determine if the~~  
38 ~~business is in compliance with this article. The unified program~~  
39 ~~agency shall give priority, when conducting these inspections, to~~  
40 ~~inspecting facilities that are required to prepare a risk management~~

1 plan pursuant to Article 2 (commencing with Section 25531). In  
2 establishing a schedule for conducting inspections pursuant to this  
3 section, the unified program agency may adopt and use an index  
4 of the volatility, toxicity, and quantity of regulated substances and  
5 hazardous materials. A unified program agency shall attempt to  
6 schedule the inspections conducted pursuant to this section and  
7 Section 25537, when applicable, during the same time period.

8 (e) The unified program agency may designate the county  
9 agricultural commissioner to conduct the inspection of agricultural  
10 handlers for purposes of Section 25507.1.

11 25512. (a) As used in this section, “trade secret” means a trade  
12 secret as defined in either subdivision (d) of Section 6254.7 of the  
13 Government Code or Section 1061 of the Evidence Code.

14 (b) (1) If a business believes that the inventory required by this  
15 article involves the release of a trade secret, the business shall  
16 nevertheless provide this information to the unified program  
17 agency, and shall notify the unified program agency in writing of  
18 that belief on the inventory form.

19 (2) Subject to subdivisions (d) and (e), the unified program  
20 agency shall protect from disclosure any information designated  
21 as a trade secret by the business pursuant to paragraph (1).

22 (c) (1) Upon the receipt of a request for the release of  
23 information to the public that includes information that the business  
24 has notified the unified program agency is a trade secret pursuant  
25 to paragraph (1) of subdivision (b), the unified program agency  
26 shall notify the business in writing of the request by certified mail,  
27 return receipt requested.

28 (2) The unified program agency shall release the requested  
29 information to the public 30 days or more after the date of mailing  
30 to the business the notice of the request for information, unless,  
31 prior to the expiration of the 30-day period, the business files an  
32 action in an appropriate court for a declaratory judgment that the  
33 information is subject to protection under subdivision (b) or for  
34 an injunction prohibiting disclosure of the information to the public,  
35 and promptly notifies the unified program agency of that action.

36 (3) This subdivision does not permit a business to refuse to  
37 disclose the information required pursuant to this section to the  
38 unified program agency.

39 (d) Except as provided in subdivision (c), any information that  
40 has been designated as a trade secret by a business is confidential

1 information for purposes of this section and shall not be disclosed  
2 to anyone except the following:

3 (1) ~~An officer or employee of the county, city, state, or the~~  
4 ~~United States, in connection with the official duties of that officer~~  
5 ~~or employee under any law for the protection of health, or~~  
6 ~~contractors with the county, city, state and their employees if, in~~  
7 ~~the opinion of the unified program agency, disclosure is necessary~~  
8 ~~and required for the satisfactory performance of a contract, for~~  
9 ~~performance of work, or to protect the health and safety of the~~  
10 ~~employees of the contractor.~~

11 (2) ~~A physician if the physician certifies in writing to the unified~~  
12 ~~program agency that the information is necessary to the medical~~  
13 ~~treatment of the physician's patient.~~

14 (e) ~~A physician who, by virtue of having obtained possession~~  
15 ~~of, or access to, confidential information, and who, knowing that~~  
16 ~~disclosure of the information to the general public is prohibited~~  
17 ~~by this section, knowingly and willfully discloses the information~~  
18 ~~in any manner to a person not entitled to receive it, is guilty of a~~  
19 ~~misdemeanor.~~

20 (f) ~~An officer or employee of the county or city, or former~~  
21 ~~officer or employee who, by virtue of that employment or official~~  
22 ~~position, has possession of, or has access to, confidential~~  
23 ~~information, and who, knowing that disclosure of the information~~  
24 ~~to the general public is prohibited by this section, knowingly and~~  
25 ~~willfully discloses the information in any manner to a person not~~  
26 ~~entitled to receive it, is guilty of a misdemeanor. A contractor with~~  
27 ~~the county or city and an employee of the contractor, who has been~~  
28 ~~furnished information as authorized by this section, shall be~~  
29 ~~considered an employee of the county or city for purposes of this~~  
30 ~~section.~~

31 25512.5. ~~Notwithstanding Section 25512, information certified~~  
32 ~~by appropriate officials of the United States as necessary to be~~  
33 ~~kept secret for national defense purposes shall be accorded the full~~  
34 ~~protections against disclosure as specified by those officials or in~~  
35 ~~accordance with the laws of the United States.~~

36 25513. ~~Each administering county or city may, upon a majority~~  
37 ~~vote of the governing body, adopt a schedule of fees to be collected~~  
38 ~~from each business required to submit a business plan pursuant to~~  
39 ~~this article that is within its jurisdiction. The governing body may~~  
40 ~~provide for the waiver of fees when a business, as defined in~~

1 paragraph (3), (4), or (5) of subdivision (c) of Section 25501,  
2 submits a business plan. The fee shall be set in an amount sufficient  
3 to pay only those costs incurred by the unified program agency in  
4 carrying out this article. In determining the fee schedule, the unified  
5 program agency shall consider the volume and degree of hazard  
6 potential of the hazardous materials handled by the businesses  
7 subject to this article.

8 25514.1. Notwithstanding any other law, a public entity shall  
9 not be held liable for any injury or damages resulting from an  
10 inadequate or negligent review of a business plan conducted  
11 pursuant to Section 25508.

12 25514.2. (a) The submission of any information required under  
13 this article does not affect any other liability or responsibility of  
14 a business with regard to safeguarding the health and safety of an  
15 employee or any other person.

16 (b) Compliance with this article shall not be deemed to be  
17 compliance with the duty of care required of any business for  
18 purposes of any judicial or administrative proceeding conducted  
19 pursuant to any other provision of law.

20 25515. (a) A business that violates Sections 25504 to 25508.1,  
21 inclusive, or Section 25510.1, shall be civilly liable to the unified  
22 program agency in an amount of not more than two thousand  
23 dollars (\$2,000) for each day in which the violation occurs. If the  
24 violation results in, or significantly contributes to, an emergency,  
25 including a fire, the business shall also be assessed the full cost of  
26 the county or city emergency response, as well as the cost of  
27 cleaning up and disposing of the hazardous materials.

28 (b) A business that knowingly violates Sections 25504 to  
29 25508.1, inclusive, or Section 25510.1, after reasonable notice of  
30 the violation shall be civilly liable to the unified program agency  
31 in an amount not to exceed five thousand dollars (\$5,000) for each  
32 day in which the violation occurs.

33 25515.1. A person that knowingly violates Sections 25504 to  
34 25508.1, inclusive, or Section 25510.1, after reasonable notice of  
35 the violation, is, upon conviction, guilty of a misdemeanor. This  
36 section does not preempt any other applicable criminal or civil  
37 penalties.

38 25515.2. (a) Notwithstanding Section 25515, a business that  
39 violates this article is liable to a unified program agency for an  
40 administrative penalty not greater than two thousand dollars



1 (\$2,000) for each day in which the violation occurs. If the violation  
2 results in, or significantly contributes to, an emergency, including  
3 a fire or health or medical problem requiring toxicological, health,  
4 or medical consultation, the business shall also be assessed the full  
5 cost of the county, city, fire district, local EMS agency designated  
6 pursuant to Section 1797.200, or poison control center as defined  
7 by Section 1797.97, emergency response, as well as the cost of  
8 cleaning up and disposing of the hazardous materials.

9 (b) Notwithstanding Section 25515, a business that knowingly  
10 violates this article after reasonable notice of the violation is liable  
11 for an administrative penalty, not greater than five thousand dollars  
12 (\$5,000) for each day in which the violation occurs.

13 (c) When a unified program agency issues an enforcement order  
14 or assesses an administrative penalty, or both, for a violation of  
15 this article, the unified program agency shall utilize the  
16 administrative enforcement procedures, including the hearing  
17 procedures, specified in Sections 25404.1.1 and 25404.1.2.

18 25515.3. (a) A person or business who violates Section 25510  
19 shall, upon conviction, be punished by a fine of not more than  
20 twenty-five thousand dollars (\$25,000) for each day of violation;  
21 by imprisonment in a county jail for not more than one year, or by  
22 both the fine and imprisonment. If the conviction is for a violation  
23 committed after a first conviction under this section, the person  
24 shall be punished by a fine of not less than two thousand dollars  
25 (\$2,000) or more than fifty thousand dollars (\$50,000) per day of  
26 violation, by imprisonment pursuant to subdivision (h) of Section  
27 1170 of the Penal Code for 16, 20, or 24 months or in a county jail  
28 for not more than one year, or by both the fine and imprisonment.  
29 Furthermore, if the violation results in, or significantly contributes  
30 to, an emergency, including a fire, to which the county or city is  
31 required to respond, the person shall also be assessed the full cost  
32 of the county or city emergency response, as well as the cost of  
33 cleaning up and disposing of the hazardous materials.

34 (b) Notwithstanding subdivision (a), a person who knowingly  
35 fails to report, pursuant to Section 25510, an oil spill occurring in  
36 waters of the state, other than marine waters, shall, upon conviction,  
37 be punished by a fine of not more than fifty thousand dollars  
38 (\$50,000), by imprisonment in a county jail for not more than one  
39 year, or by both that fine and imprisonment.

~~(e) Notwithstanding subdivision (a), a person who knowingly makes a false or misleading report on an oil spill occurring in waters of the state, other than marine waters, shall, upon conviction, be punished by a fine of not more than fifty thousand dollars (\$50,000), by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.~~

~~(d) This section does not preclude prosecution or sentencing under other provisions of law.~~

~~25515.4. A person who willfully prevents, interferes with, or attempts to impede the enforcement of this article by any authorized representative of a unified program agency is, upon conviction, guilty of a misdemeanor.~~

~~25515.5. (a) All criminal penalties collected pursuant to this article shall be apportioned in the following manner:~~

~~(1) Fifty percent shall be paid to the office of the city attorney, district attorney, or Attorney General, whichever office brought the action.~~

~~(2) Fifty percent shall be paid to the agency which is responsible for the investigation of the action.~~

~~(b) All civil penalties collected pursuant to this chapter shall be apportioned in the following manner:~~

~~(1) Fifty percent shall be paid to the office of the city attorney, district attorney, or Attorney General, whichever office brought the action.~~

~~(2) Fifty percent shall be paid to the agency responsible for the investigation of the action.~~

~~(e) If a reward is paid to a person pursuant to Section 25517, the amount of the reward shall be deducted from the amount of the criminal or civil penalty before the amount is apportioned pursuant to subdivisions (a) and (b).~~

~~25515.6. (a) If the unified program agency determines that a business has engaged in, is engaged in, or is about to engage in acts or practices that constitute or will constitute a violation of this article or a regulation or order adopted or issued pursuant to this article, and when requested by the unified program agency, the city attorney of the city or the district attorney of the county in which those acts or practices have occurred, are occurring, or will occur shall apply to the superior court for an order enjoining the acts or practices for an order directing compliance, and, upon a showing that the person or business has engaged in, is engaged in,~~

1 or is about to engage in the acts or practices, a permanent or  
2 temporary injunction, restraining order, or other appropriate order  
3 may be granted.

4 (b) This section does not prohibit a city attorney or district  
5 attorney from seeking the same relief upon the city attorney's or  
6 district attorney's own motion.

7 25515.7. Every civil action brought under this article or Article  
8 2 (commencing with Section 25531) shall be brought by the city  
9 attorney, district attorney, or Attorney General in the name of the  
10 people of the State of California, and any actions relating to the  
11 same violation may be joined or consolidated.

12 25515.8. (a) In a civil action brought pursuant to this article  
13 or Article 2 (commencing with Section 25531) in which a  
14 temporary restraining order, preliminary injunction, or permanent  
15 injunction is sought, it is not necessary to allege or prove at any  
16 stage of the proceeding any of the following:

17 (1) Irreparable damage will occur should the temporary  
18 restraining order, preliminary injunction, or permanent injunction  
19 not be issued.

20 (2) The remedy at law is inadequate.

21 (b) The court shall issue a temporary restraining order,  
22 preliminary injunction, or permanent injunction in a civil action  
23 brought pursuant to this article or Article 2 (commencing with  
24 Section 25531) without the allegations and without the proof  
25 specified in subdivision (a).

26 25517. (a) A person who provides information that materially  
27 contributes to the imposition of a civil penalty, whether by  
28 settlement or court order, under Section 25515 or 25515.2, as  
29 determined by the city attorney, district attorney, or the Attorney  
30 General filing the action, shall be paid a reward by the unified  
31 program agency or the state equal to 10 percent of the amount of  
32 the civil penalty collected. The reward shall be paid from the  
33 amount of the civil penalty collected. No reward paid pursuant to  
34 this subdivision shall exceed five thousand dollars (\$5,000).

35 (b) A person who provides information that materially  
36 contributes to the conviction of a person or business under Section  
37 25515.1 or 25515.3, as determined by the city attorney, district  
38 attorney, or the Attorney General filing the action, shall be paid a  
39 reward by the unified program agency or the state equal to 10  
40 percent of the amount of the fine collected. The reward shall be

1 paid from the amount of the fine collected. No reward paid pursuant  
2 to this subdivision shall exceed five thousand dollars (\$5,000).

3 ~~(e) An informant shall not be eligible for a reward for a violation~~  
4 ~~known to the unified program agency, unless the information~~  
5 ~~materially contributes to the imposition of criminal or civil~~  
6 ~~penalties for a violation specified in this section.~~

7 ~~(d) If there is more than one informant for a single violation,~~  
8 ~~the person making the first notification received by the office which~~  
9 ~~brought the action shall be eligible for the reward, except that, if~~  
10 ~~the notifications are postmarked on the same day or telephoned~~  
11 ~~notifications are received on the same day, the reward shall be~~  
12 ~~divided equally among those informants.~~

13 ~~(e) Public officers and employees of the United States, the State~~  
14 ~~of California, or counties and cities in this state are not eligible for~~  
15 ~~the reward pursuant to subdivision (a) or (b), unless the providing~~  
16 ~~of the information does not relate in any manner to their~~  
17 ~~responsibilities as public officers or employees.~~

18 ~~(f) An informant who is an employee of a business and who~~  
19 ~~provides information that the business has violated this chapter is~~  
20 ~~not eligible for a reward if the employee intentionally or negligently~~  
21 ~~caused the violation or if the employee's primary and regular~~  
22 ~~responsibilities included investigating the violation, unless the~~  
23 ~~business knowingly caused the violation.~~

24 ~~(g) The unified program agency or the state shall pay rewards~~  
25 ~~under this section pursuant to the following procedures:~~

26 ~~(1) An application shall be signed by the informant and~~  
27 ~~presented to the unified program agency or the state within 60 days~~  
28 ~~after a final judgment has been entered or the period for an appeal~~  
29 ~~of a judgment has expired.~~

30 ~~(2) The determination by the district attorney, city attorney, or~~  
31 ~~Attorney General as to whether the information provided by the~~  
32 ~~applicant materially contributed to the imposition of a judgment~~  
33 ~~under Section 25515.1 or 25515.3 shall be final.~~

34 ~~(3) The unified program agency or the state shall notify the~~  
35 ~~applicant in writing of its decision to grant or deny a reward within~~  
36 ~~a reasonable time period following the filing of an application.~~

37 ~~(4) Approved reward claims shall be paid by the unified program~~  
38 ~~agency or the state within 30 days of the collection and deposit of~~  
39 ~~the penalties specified in subdivisions (a) and (b).~~

1     ~~(h) The names of reward applicants or informants shall not be~~  
2     ~~disclosed by the unified program agency or the state unless the~~  
3     ~~names are otherwise publicly disclosed as part of a judicial~~  
4     ~~proceeding.~~

5     ~~(i) Notwithstanding any other provision of this section, rewards~~  
6     ~~paid by the state shall only be paid after appropriation by the~~  
7     ~~Legislature.~~

8     ~~25518. The office may develop materials, including guidelines~~  
9     ~~and informational pamphlets, to assist businesses to fulfill their~~  
10    ~~obligations under this article.~~

11    ~~25519. This article shall be construed liberally so as to~~  
12    ~~accomplish the intent of the Legislature in protecting the public~~  
13    ~~health, safety, and the environment.~~

14    ~~25520. If any provision of this article or the application thereof~~  
15    ~~to any person or circumstances is held invalid, that invalidity shall~~  
16    ~~not affect other provisions or applications of this article that can~~  
17    ~~be given effect without the invalid provision or application, and~~  
18    ~~to that end the provisions of this article are severable.~~

19    ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
20    ~~Section 6 of Article XIII B of the California Constitution because~~  
21    ~~a local agency or school district has the authority to levy service~~  
22    ~~charges, fees, or assessments sufficient to pay for the program or~~  
23    ~~level of service mandated by this act or because costs that may be~~  
24    ~~incurred by a local agency or school district will be incurred~~  
25    ~~because this act creates a new crime or infraction, eliminates a~~  
26    ~~crime or infraction, or changes the penalty for a crime or infraction,~~  
27    ~~within the meaning of Section 17556 of the Government Code, or~~  
28    ~~changes the definition of a crime within the meaning of Section 6~~  
29    ~~of Article XIII B of the California Constitution.~~